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STATE OF MICHIGAN

FIFTY-FIFTH CIRCUIT COURT-FAMILY DIVISION (CLARE COUNTY)

In the matter of

CRYSTLE DAVIS

File No. 17-069-NA

/

DISPOSITIONAL HEARING

BEFORE THE HONORABLE MARCY A. KLAUS, FAMILY COURT JUDGE

Harrison, Michigan - Tuesday, March 20, 2018

APPEARANCES:

For the Petitioner:

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WITNESSES: PETITIONER
NONE

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WITNESSES: GUARDIAN AD LITEM
NONE

WITNESSES: RESPONDENT MOTHER
NONE

WITNESSES: RESPONDENT FATHER
NONE

EXHIBITS
NONE

INTRODUCED

ADMITTED

1 Harrison, Michigan.

2 Thursday, February 22, 2018 - 9:08 a.m.

3 BAILIFF: All rise. Probate and Family Court for
4 the County of Clare is now in session, the Honorable Judge
5 Marcy A. Klaus presiding.

6 THE COURT: Thank you. Have a seat please.

7 Calling the case of in the matter of Crystle Davis. And this
8 is file 17069NA. Would counsel identify please?

9 THE COURT MS. SCHWARZ: Thank you, your Honor. Chief
10 Assistant Prosecuting Attorney, Eilisia Schwarz appearing on
11 behalf of the petitioner. ENTERPRISE

12 THE COURT: Thank you.

13 MS. HOWE: Good morning, your Honor. Annette Howe,
14 Guardian Ad Litem for Crystle Davis. VAIVE TIRED

15 THE COURT: Thank you. THE COURT

16 MS. TOMCZYK: Karyn Tomczyk, attorney for
17 respondent mother, who is present and seated to my left.

18 THE COURT: Thank you.

19 MR. GURUMURTHY: Good morning. Thank you, your
20 Honor. Ravi Gurumurthy on behalf of Rodney Davis. He's here
21 in the courtroom and seated to my left.

22 THE COURT: Thank you. And I'll have the parents
23 state their name starting with the father.

24 MR. DAVIS: Oh, if you don't mind -- Rodney Davis,
25 but my phone's in my coat and I'm not sure it's off.

NO 1 RECORD

2 off THE COURT: Go ahead and get up and make sure it's
3 her name please?

4 MS. DAVIS: Gayle Wendy Davis. NOT

5 THE COURT: All right. Thank you. And so, the
6 attorneys know, we're gonna break today for lunch at 11:20 if
7 you end up going that long. So, I'll be keeping an eye on
8 the clock, but I wanted to kind of lay out that road map for
9 everybody. I would anticipate we'll come back probably close
10 to one o'clock. So, I'll let you know once we get to that
11 point for our lunch break today. And then we have some
12 motions on behalf of the respondent father? I'll let Mr.
13 Davis have a seat. Mr. Davis is it turned off? CANT ?

14 MR. DAVIS: Yes. RECORD NO PROOF ?

15 THE COURT: All right. Thank you. And so, Mr.
16 Gurumurthy?

17 MR. GURUMURTHY: Thank you, your Honor. I had a
18 couple of motions filed this morning. One was, well I'll
19 start with the most recent one. It was to strike the
20 Department of Health and Human Services proposed witness
21 list. I didn't receive one. It wasn't filed in time. Some
22 of the witnesses in here, I have no idea who they are and
23 what they would testify to. I never had an opportunity to
24 contact them or call them. Some of them are the more obvious
25 ones. So, I don't know which ones are gonna be called. But

JUSTIS
HAS A
TIME
LIMIT

1 there was a scheduling order. The Court was very clear about
 2 the scheduling order and calls for sanctions if they weren't
 3 followed. So, I don't think they were filed in a ^{TIME} -- in an
 4 appropriate time frame. In fact, I received this as of
 5 Sunday. There's no proof of service saying they sent anything
 6 prior to that. So, I would simply ask that they identify who
 7 the witnesses are. Some witnesses are the obvious ones. If
 8 those are the ones that are being called, I don't have an
 9 objection, but there are others that would be testifying --

10 THE COURT: On what date did you receive the
 11 petitioner's witness and exhibit list?

12 MR. GURUMURTHY: I received this on Sunday the 18th.

13 THE COURT: And just -- of February, just to be
 14 clear.

15 MR. GURUMURTHY: Correct. February. Yes.

16 THE COURT: And have you discussed the witness list
 17 in your motion with the petitioner at all?

18 MS. SCHWARZ: No.

BARE

19 THE COURT: Did you have that opportunity? (All
 20 right.) So, Ms. Schwarz?

CUT OFF
OR OUT

21 MS. SCHWARZ: Actually, we sent this witness list
 22 out prior to, just a second, we sent this witness list out on
 23 January 2nd, 2018. And we provided a proof of service to the
 24 court that was dated January 2nd, 2018, that it was served on
 25 all parties, including respondent father, back in January.

NOT ✓

LIE

1 We confirmed that that in fact was done over the weekend and
 2 as a courtesy, we resent the witness and exhibit list to
 3 respondent father again when they couldn't find their copy.
 4 So, they've gotten it twice. Once in January, then the trial
 5 was adjourned.) The witness list hasn't changed.

6 THE COURT: Do you have an agreement with the
 7 attorneys of record for (service by email?)

8 NO MS. SCHWARZ: Yes. That's a consistent pattern of
 9 how we process things. LATE OR (HIDE LOST)

10 THE COURT: Is it a written agreement?

11 MS. SCHWARZ: It is (not) a written agreement,
 12 however that's the way all of, like, I was served the motions
 13 that came to me that way. That's just the standard practice
 14 as to how we deal with court appointed attorneys. NOT
 15 ENTER PRIZE

16 THE COURT: All right. Anything else that needs to
 17 be known by the Court regarding the motion regarding the
 18 witness and exhibit list?

19 MS. SCHWARZ: Other than -- other than we -- we
 20 filed it with the court back in January and I believe that LIES
 21 the court has that as well as the proof of service. NOT PROVE

22 JUD THE COURT: Who do you intend to call off the
 23 witness list?

24 THE COURT MS. SCHWARZ: I have Doctor Barnes, who did the
 25 evaluations or the evaluation of Crystle, which led to the
 26 motion that was filed by respondent father for an independent

TIME TO CONFUSE

1 evaluation on which is to be heard today. So, that's not a
 2 surprise witness. Ruth Nordman is -- is actually not going
 3 to be available today, she had some sort of medical
 4 emergency. But Ruth Nordman was the individual that
 5 respondent father left his children with, so he's known her
 6 for a long time. Wendy Davis is his ex-wife. Karla Keipert,
 7 she's the RN that Mr. Davis spoke to at the hospital. Bianca
 8 Hernandez and Jereme Bear both of those individuals have been
 9 consistent throughout this case as the workers that Mr. --
 10 respondent father, Mr. Davis has been dealing with so they're
 11 not a surprise or not known to them. And then Katie Most,
 12 just one second, I want to get where she works just a second

BEFORE ANY ORDER

THE COURT: It says CMH on the witness list.

14 THIS IS NOT
 15 COURT LANGUAGE MS. SCHWARZ: Yep. I didn't know whether -- I have
 16 another one. Community Mental Health. And that is another
 17 NOT known person throughout this case to Mr. Davis, so. I NEVER

18 THE COURT: Those witnesses who you haven't named
 19 just now are not being called, is that --? ??

20 MS. SCHWARZ: They're not. BEING CALLED

21 THE COURT: All right. So, Mr. Gurumurthy,
 22 response? →

23 MR. GURUMURTHY: Yes. Thank you, your Honor. Some
 24 of the witnesses -- well, first I'll address the service via
 25 email. I will stipulate to that -- that amongst us

IS THIS THE JUDGE

JUMPX (3)

RUTH WAS AT THE COURT ON THIS DAY

CONSIST WITH LIE PURGERY

LIE

NEVER SEEN OR OF HER

NOT PROPER RULE OF THUMB. IS A CORPORAL PUNISH
METHOD OF ABUSE

1 attorney's it is a rule of thumb, a more verbal understanding
2 that sometimes emails do serve as long as the proof of
3 service states, either it was served personally, via email,
4 and/or by first class mail. So, I will acknowledge that I
5 did receive the witness list but not till the 18th of
6 February. It might have been dated, it's (unsigned), but it
7 might have been dated January 2nd or whatever the January date
8 is. But it still does not comport with what the pre-trial
9 scheduling order says. Expert witnesses have to be exchanged
10 prior to December 27th. Even if it was January, it was after
11 the fact And any other witnesses by the petitioner would be
12 the 27th. The burden is not on me to produce or do anything
13 in this matter. It is on the Department. JER BARE

14 So, the rules have to be followed. Court rules call
15 for that and court rules are (very clear), if a pre-trial
16 scheduling order is not followed then there's some sanctions.
17 Court has the authority and must follow and enforce those
18 sanctions at that point. As I go through some of these
19 witnesses and as Ms. Schwarz indicated who they are, the
20 majority of them deal with Misty. I think Misty was out and
21 removed from this petition when this first started. So, it
22 has - it has no relevance to Crystle's matter.

23 So, again, I'm at a loss then as to -- as to why
24 the nurse practitioner who spoke to my client, when it
25 related to Misty's alleged seizure incidents would be that

KANGA jump

NOT

1 relevant to Crystle's allegations in the petition?

2 THE COURT: And that may be addressed by one of
3 your next motions as well, correct?

4 MR. GURUMURTHY: Correct. And then my follow up
5 motion with that would be getting a separate evaluation for
6 Crystle. Doctor Barnes has done one. My client has
7 insurance and has agreed to have a second one done so it
8 would be at his costs. And -- and I think that calls for
9 experts at that point under 702 to then present scientific
10 evidence, (and that's what this is.) So, I would simply ask
11 that Doctor Barnes's testimony, and again, Doctor Barnes's
12 report only alludes to what Crystle has provided, not with
13 any input from the father. He has raised this child for over
14 ten years by himself. There's no other input in there. But

15 this is how experts go. And this is how -- it's a battle of
16 the experts. I don't have an expert because the Department
17 has refused to then produce Crystle for another evaluation.
18 (They've said, we don't think she needs one.) (It's not for them
19 to decide whether (she needs one or not.) He's the parent.
20 His parental rights are not terminated. He has the right to
21 request one. He has the right to get one. He hasn't had that
22 opportunity. So again, Doctor Barnes testifying could sway
23 this court with his expert opinion one way or the other.

24 There is no rebuttal to that expert opinion and he has a
25 right to have his own expert then rebut that opinion. And

PROTECT THAT
ENTERPRISE
JUDGE

ALWAYS JUST
ONE WAY / NO OTHER

9

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 that's all it is, it's expert opinion. So, I can take what
 2 the -- what the report states for its face value, but I don't
 3 think that Doctor Barnes is then able to then testify if I
 4 can't ever rebut that testimony. Which I can't do today.

5 THE COURT: All right. Moving on to that (motion)
 6 then.

7 MS. SCHWARZ: Your Honor, if I -- if I may just to
 8 make sure that the record is clear, because there's already
 9 been threats of appeals and being, you know, reported to the
 10 Bar, or all of the parties, and all of the parties being
 11 sued. I would ask that you indulge me to make sure that this
 12 record is clear. And by the way, those threats have come
 13 from respondent father to the parties in the case. PURGERY
 14 BARE HERNANDA 2

15 I would like to note and direct the courts
 16 (attention to the pre-trial scheduling order). And that was
 17 dated December 13th, 2017 signed by yourself, indicating that
 18 the parties shall exchange and file with the court the names
 19 and addresses of all witnesses to be called at trial or a
 20 hearing by January 10th, 2018. That expert witnesses be
 21 disclosed by that same date. So, I wanted to make sure
 22 because respondent father's attorney (referenced a different
 23 pre-trial order). This is the amended pre-trial order. So, as
 24 far as my response and my rebuttal in that motion to strike,
 25 I think that not all -- not all of the facts are presented in
the argument.

KANGAROO JUMP

CONFUSE

WHY
 IS THIS
 A THREE

THE COURT: All right. As to the independent psychological evaluation of Crystle Davis that's being requested by the father, your response to that motion? DEMAND

MS. SCHWARZ: In response to that, just one moment, your Honor. That motion was delivered to us and that request was delivered to us on February 8th to seek an independent evaluation. It's our opinion that should respondent father need to have an independent evaluation, that could have been done long before today's date. We -- if -- if he needs and needs to have the court pay for it that would be something just like he did previously. His need for the appointment of a private investigator and that the court pay for it. That motion came in at the last minute in this particular case, January 11th. This case has been going on for a long period of time and if he needed to investigate anything, he could NOT have done that when the initial petition was filed.

We were already scheduled for a trial in this particular case the beginning of this year. It was adjourned at the request of the respondent father. So, I -- I STUDERS certainly believe that, you know, if the court finds that he's entitled to have that independent evaluation and that the court pay for it or whatever the difference is that (his) insurance doesn't cover. Because he indicates to us that he's basically indigent. And we've provided the evaluation with a commonly used expert in this court to provide an

11
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Harrison, Michigan

ROD SET
THIS FOR
JAN 16
18
'82

IT WAS

RIGHTS
DENIED

AFFORD

THIS
IS A
LIE

NEVER
ASK TO
PAY FOR
IT

YES IT DOES
ALREADY ✓ ALWAYS

ENTERPRISE BARN'S
SYK EVAL IS NOT A
OPINION
NOT
LAW

1 opinion as it relates to Crystle.

2 As it relates to Crystle and then the motion to
 3 strike allegations as it relates to Misty. The conduct of a
 4 parent towards one child is indicative of how they will treat
 5 another child. Misty Davis was in fact on this petition
 6 initially because the allegations relating to Misty's care
 7 were of grave concern to us when she needed to get medical
 8 treatment and he refused to do so. That's an allegation in
 9 the petition of medical neglect. And it's -- and it's likely
 10 that if we use that doctor in the anticipatory neglect or how
 11 a parent treats one child is indicative of the response to
 12 treatment of another child. I think that that's very relevant
 13 information for the court to consider. She's eighteen years
 14 of age now but we have Crystle who is still under age and
 15 subject to the need for medical treatment and we -- we
 16 believe that that's very relevant for the court's
 17 consideration as it relates to jurisdiction in this case.

18 THE COURT: Back to the motion for the independent
 19 psychological evaluation -- it's been indicated to the court
 20 that the father's asked for Crystle to be produced, for lack
 21 of a better word -- DA.

22 MR. GURUMURTHY: Correct. YES

23 THE COURT: -- to the father for that independent
 24 psychological evaluation. EVERYTIME How many times and when was that
 25 request made by the father to the Department? 10

DEMAND

HE IS CROKED

12

JER BAYLE
LIRE

PURSERV

HE SHOULD
BEEN IMPEACHED

YES

12
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 Harrison, Michigan

CRYSTLES

OUT TAKE

MR. GURUMURTHY: It's been in -- I think, I received the psychological evaluation sometime in December. So, after my client and I discussed it and when he received it, but I remember I was on vacation during the Christmas break so it had to have been sometime in January. He has -- he doesn't need to ask for permission to take his daughter to get a psychological evaluation. The problem is the child is removed from his care. So, the proper way to do it is to not just show up at the foster family's home and pick up his child and leave. That would open another can of worms, so we've talked about he has every right to do that, if that's what he wants to do. There are certain orders that he has to follow.

RAVI

Then we had the issue of the parenting time and that was in person suspended, so that put more pressure on him. So, he had to go over the phone. He has talked to, I believe Mr. Bear since I've talked to Mr. Bear. I've indicated we were asking for another evaluation. We'd like to get it to Ronan and Associates down in Mt. Pleasant. And I'll (inaudible word) motion it up. So then, here we are right before trial, it's on a motion and that's -- that's all he can do.

THIS WAS NOT

JUDGE

THE COURT: All right. Thank you. Ms. Schwarz. RAVI

MS. SCHWARZ: And the -- and the response to that your Honor, we've received no communication from the

BARE HAS ALL CONTROL OVER

EVERYTHING
LIKE GOT

10X 20X EVERYX

respondent and/or his attorney. There has been mention that they may like to do that evaluation, but no formal request has been made. And I will, as an officer of this court indicate that Mr. Gurumurthy indicated that they would be

COULD NOT
GET THIS
TILL BARE
BROUGHT CRY
LINES

possibly considering doing an independent evaluation, but I heard nothing else, other -- other than that. There was no date and time given to us of the date of the evaluation, so we could make the child available or get the child to the evaluation. I know personally, as an officer of this court

WAS
TO

BARE
KNEW
HE
KNEW
REFUSED
HE
KNEW

that was not delivered to me as the attorney for Department of Health and Human Services. I've spoken with Bianca, who is the primary worker on this case, because we're pre-adjudication, she has indicated to me that she has not received any date and time request to produce the child and our failure to comply with that. I think that this is a delay tactic. We were threatened with the FBI to investigate for lying in this case. It is -- it is what it is. We

FOR THIS

IT IS A
RIGHT
HERRMAN
DID
PURGERY
ON
STAND

haven't had a record. The first formal request we had was the motion that was set for today, the day of trial. So.

THE
JUDGE
DELAY
IT

THE COURT: All right. Thank you. Mr. Gurumurthy, your motion to strike as well, let me make sure I'm hitting all of your motions here and I'm getting all of them. I think it was touched on by the petitioner or was it the motion in limine that was touched on?

PURGERY STOPPED

CON FUSED
EVERY BODY & JUDGE

CERTAINLY ROD

14

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Harrison, Michigan

1 respond to the motion in limine Judge, but I could.

2 THE COURT: Right. And I want to make sure that
3 you have that opportunity. I didn't want to skip over
4 anything. So --. *SHE DIDN'T SKIP, SHE JUMP*
LIKE A KANGROO

5 MR. GURUMURTHY: And I am briefly going through my
6 email where --

7 THE COURT: All right.

8 MR. GURUMURTHY: -- if I could see if that request
9 was made. Your Honor, first of all my client did make
10 threats and he has made those threats, but in his defense,
11 he's frustrated with how the Department has dealt with him.
12 That is the reason why he's made -- *LIE PURSERY* he's made threats to me
13 because I haven't been able to do anything. So again, I don't
14 think --

15 MR. DAVIS: I thought they were my rights. *TO RETOR*

16 MR. GURUMURTHY: -- and -- and his threats have
17 been more about these are my rights, this is what I want done
18 and I can't get anywhere with it. Part of the reason is he's
19 had -- so to address Misty. When Ms. Schwarz indicates that
20 neglect, medical neglect with one child would be medical
21 neglect to another. There is no pattern to that. It's a
22 one-time incident. This child was seventeen at the time.
23 He's raised both his girls as a single parent for all these
24 years. The mother's missing for ten years. No prior neglect
25 of any medical or otherwise has ever come up. It comes up

15

WHEN BARE GETS
IN VALUED
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*ENTER
PRECISE
CIRCUIT*

10

*MISTY WAS DRUNK, PAST OUT
AT ASHLY HOLTHOMIE DRUGS*

1 the one time, again, those could be argued and they're severe
2 allegations. Misty's not deceased. She was not put into a
3 terrible medical condition because of his neglect. In fact,
4 he was there at the hospital. And again, he questioned the
5 nurses and the doctors as to what his rights were and what
6 was wrong with his child. Simply saying that he just
7 neglected, is not true. Because he did go to the doctors.
8 He went with the nurses That's why they have a nurse
9 practitioner here to testify. He was there. !!!

10 So, to simply say that he has been neglecting his
11 kids medical, is a pattern, that's not true. It's a one-time
12 incident that could be clarified. And whatever that incident
13 is, but Misty's not part of the petition. Anything -- any
14 allegations as it relates to Misty cannot be simply comported
15 and say well, if it happened to Misty, it had to have
16 happened to Crystle. That's where this is going. That's not
17 true. If that was the case, all of our NA cases here would
18 have that implication. Oh, the parents are bonded with one
19 child but not the other. Or you could use (inaudible words.)
20 because they're bonded with one, there has to be a bond with
21 the other. I can think of numerous cases that I'm on that --
22 that -- that would play, but we know when we look at the
23 reports and the underlying facts that's not true. We have
24 parents who are out of their kids lives for 10 years because
25 they didn't know they had a child that was born out of

1 wedlock or that was their child. But to simply say that they
 2 had a relationship with one sibling and didn't know there was
 3 another sibling and now they don't have a relationship. But
 4 to then tie that into saying, well, there's a bond with the
 5 older child, so there's got to be a bond with the other one.

6 It doesn't work that way.

7 So, I think that is absolutely absurd to then
 8 simply state here's where it is, neglect to on -- neglect to
 9 the other. Medical records could be pulled, could be looked
 10 at to see, Crystle's thirteen years of history. She's in
 11 school. She's got her -- she up-to-date with shots. She's
 12 been to the hospital. So, there is no medical neglect. So, I
 13 don't think you can just state the medical neglect of one
 14 child, one allegation, and simply say that applies to
 15 Crystle. That's absolutely -- you can't go down that rabbit
 16 hole. It doesn't work. There are rules. The rules of
 17 evidence don't allow that. There has to be -- if there's a
 18 pattern and that's where we're going then the pattern has to
 19 be established. I don't see anything in any of these
 20 documents where this pattern was established.

21 Second, with -- with him getting his child for a
 22 psychological evaluation, he has every right to do that. I
 23 don't think he needs permission. I could have told my client,
 24 go show up, pick your child up at the foster home. I could
 25 have very well given him that advice, nobody could have done

RONALD
 PURGERY!
 THEY CALL
 IT (NOT
 TRUE)

17
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BAIRE WOULD
 HAVE ME ARRESTED
 HE HAS HIS WAY
 OF LIEING
 PURGERY

STATE LAW

BARE

1 anything but for the parenting time, in person, was suspended
 2 as a court order and we have to follow that order. But his
 3 rights are not terminated. His -- he has every right to get
 4 his child to get an independent evaluation if that's what he
 5 deems is necessary in this case. But again, that never
 6 occurred. He's asked Mr. Bear, I think about five times.
 7 He's made appointments, he's indicated to Mr. Bear, I have
 8 appointments set up, produce Crystle, do the right thing.

Never.

BARE

10 So, here's -- here's where we are now right before
 11 trial in the end. These are motions that have to be heard
 12 prior to trial for the court to then determine whether or not
 13 we can move forward with this or where this matter is going.

14 You know, in talking to my client, he has indicated he has no
 15 problems making admissions, but he will only admit to what
 16 was wrong. But he hasn't done anything wrong as a single
 17 parent with limited income with what he can provide to his
 18 kids. He's -- he's been treated by the Department, based on
 19 his poverty that just because you don't have enough money to
 20 do all this, you have to make admissions, get the

21 jurisdiction of the court and then services will be ordered.

22 He's asked Mr. Bear numerous times, I would love to be in

23 counseling with daughter. I'd love to have family counseling

24 but a counselor that I want to go to not one you want me to

25 go to. That's where the breakdown is. He has those rights.

BARN'S
MEDSNOT IN
A CROUPT

ENTERPRISE

ENTERPRISE

STATE
LAW

18
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 Harrison, Michigan

STATE
LAW

1 To simply put down what -- what the Department feels is right
 2 and use that ENTERPRISE contracted services that they have and say look,
 3 this is where you're going to go, is -- is uncalled for, at
 least that's my client's position. I would be -- he can pick
 his own -- own place to go to. WAS GIVEN CHOICE

4 PROTECT ENTERPRISE
 5
 6 So again, if -- and again, going back to motion in
 7 limine, the testimony today, if we're here for Crystle's
 8 matter, that's what the adjudication is, (not on Misty.)
 9 Anything with Misty should not be part of this record. And
 10 if Ms. Hernandez can testify as to allegations that were made
 11 between Mr. Davis and his daughter Crystle Davis, we can go
 12 forward with Ms. Hernandez's testimony. But I -- I haven't
 13 seen anything in the allegations that Ms. Hernandez can
 14 testify to as it relates to Crystle. PROTECT ENTERPRISE

15 THE COURT: And -- and I'm gonna stop you there.
 16 Thank you, Mr. Gurumurthy. AGAIN CUT OFF

17 MR. GURUMURTHY: Thank you. PURGERY
 18 THE COURT: And, anything further Ms. Schwarz? D.A.

19 Because I -- I think I know what I'm going to do as to all
 20 three of the motions. And then we'll take a short break
 21 because my decisions on the motions may help determine how we
 22 move forward today as well, okay? NOT NOT NOT

23 MS. SCHWARZ: Okay.

24 THE COURT: So, I don't mean to leave you out Ms.
 25 Howe. Do you wish to add anything in regards to the motions

1 or are you satisfied with -- with what was placed on the
 2 record by the other attorney's? *PURGERY*
 3 *NEW ENTERPRISE* MS. HOWE: I'm satisfied with what's placed on the
 4 record. However, I would like to add regarding the service
 5 received from the Department. We were not given a choice to
 6 receive them electronically for the proof of service. We
 7 were told that's how we're going to receive them, and nothing
 8 was signed. *OFFICER*

9 THE COURT: All right. Thank you. Anything Ms.
 10 Tomczyk?

11 MS. TOMCZYK: We take no position, your Honor.

12 THE COURT: All right. Thank you. So, let's go
 13 through each one of these motions in turn here.

ON DAY OF TRIAL → So, I'm going to go through them in the order that
 15 I have them in my files. So, I apologize. Regarding the
 16 respondent's -- respondent father's motion in limine, the
 17 Court has reviewed the motion that was filed and taking into
 18 consideration the arguments presented by Mr. Gurumurthy and
 19 the response by Ms. Schwarz. I appreciate both of the
 20 attorney's for both the presentation of the motion as well as
 21 the response. I think both were well thought out. And I
 22 appreciate that very much. But as to the motion in limine,
 23 the Court would strike testimony regarding Misty Davis. The
 24 anticipatory neglect doctrine is well established, and the
 25 Court certainly could hear argument regarding anticipatory

JUDGE → SHE IS OBVIOUSLY

20

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NOT AWAKE

NOT AWAKE

1 neglect that's hard for me to say at this time in the ?
 2 morning, I certainly could hear that and would (under)
 3 (different circumstances.) Only because Misty was stricken
 4 from the petition and the Court is persuaded by Mr.
 5 Gurumurthy's -- his presentation of the motion that there
 6 was not a pattern of medical neglect as to Misty. Misty was
 7 moved back into the home, resides with the father. So, I'm --
 8 I'm only looking very narrowly at the circumstances in this
 9 case. So, I'm saying that, so the attorneys know that this
 10 would not necessarily apply to other cases that would be
 11 presented to the court. But in this particular case, I would
 12 not hear testimony regarding Misty Davis as to medical care
 13 and possible medical neglect. I make no decision regarding
 14 whether there was or was not medical neglect as to Misty.
 15 So, is that clear to everyone? NO

16 MS. SCHWARZ: I guess maybe, just a point of
 17 clarification. So, we can't talk about Misty at all today if
 18 we go forward? SHE EVEN CONFUSED

19 THE COURT: You can talk about Misty but not as to
 20 medical neglect.

21 MS. SCHWARZ: Okay. ENTERPRISE

22 JUDGE THE COURT: Not -- not in that very narrow area.

23 MS. SCHWARZ: Okay.

24 JUD THE COURT: So, turning to the respondent father's
 25 motion to seek independent psychological evaluation and seek

PROTECT THE
 ENTERPRISE

21

FOR CRY

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 Harrison, Michigan

STATE LAW

OHS

1 a second opinion of psychological evaluation. The Court is
 2 going to deny that request as untimely. And the Court finds
 3 that having that rebuttal testimony would not be helpful to
 the Court as to the adjudication trial. And the Court would
 5 rely on Doctor Ronan's assessment of the father and Doctor
 6 Barnes's assessment of the child.

IT WOULD
 BE BAD
 10X

Turning lastly to the respondent father's motion to

8 strike the Department of Health and Human Services proposed
 9 witness list. (This troubles me that everything's being done
 10 by email and there's no written agreement because the court
 11 rules, I believe, specify that if you're gonna do this
 12 electronically, you have to have a written agreement as
 13 between all the parties, that you're all agreeing to receive
 14 this stuff by email because it gets lost. It gets lost very,
 15 very easily. So, I am not on board with this idea of being
 16 paperless in these types of cases. It's too dangerous. And
 17 so, if the parties are going to continue with emailing and
 18 using electronic communication, you better have a written
 19 agreement and it better be in my file. That way everybody's
 20 on board. We all know exactly what you're doing, and I know
 21 what to expect as well.

IS THIS
 THE JUDGE
 OR RAI

BARE

BARE

HIDDEN

HIDDEN
 EVIDENCE
 PURGERY

22 Now all of that being said, there is a proof of
 23 service in the Court's file. The Court reviewed the last pre-
 24 trial order, I think that was a December pre-trial order,
 25 I'll look back, December 13th, 2017 that allowed for exchange

JURY ✓

1 of witnesses and exhibits for the father's bench trial to be
 2 done by January 10th, 2018. So, frankly I believe both Mr.
 3 Gurumurthy and Ms. Schwarz. I think it was emailed out and I
 4 don't think Mr. Gurumurthy got it till just a couple days
 5 ago. And that's the danger of using email. Things get lost
 6 far too easily rather than a physical piece of paper. ON PAPER

7 So, I'm going to allow the witnesses as named by
 8 Ms. Schwarz to be presented to the Court to allow that
 9 testimony. And I think they'll be helpful to the Court. They
 10 are witnesses who have -- who the Court's familiar with
 11 solely through the pleadings and through testimony in this
 12 case up to this point. So, I think that there is good cause
 13 shown to allow those witnesses to testify and so I would
 14 allow for that. Okay? NO AGAIN COURT GET EVERYTHING

15 Any other requests for relief, let me put my
 16 glasses on here, specifically as to the motion in limine,
 17 would be denied. I think I may have missed a couple finer
 18 points. There's a request regarding possible statements of
 19 the child to be made. And a concern about hearsay, and the
 20 Court would simply address that as it comes up in testimony.
 21 I simply don't have enough information to make that
 22 determination. Since the rules of evidence would apply
 23 during adjudication, then statements of the child would be
 24 excluded as hearsay.

25 So, we'll take a short, about a five-minute break.

23

How CAN YOU
TAKE A BREAK
IN 5 MIN

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ROD NEVER
COULD
CONFIDENTIAL
WITH RAVI

So, if anyone needs to use the restroom or get a drink of water, do it now. Come back in and we'll get started. If my decisions regarding those motions are helpful, then let the court know if you need additional time. THEY GET EVERYTHING

MS. SCHWARZ: Okay.

NOT THE COURT: If not, we'll just keep going. Okay?
And then like I said, we'll take a break just before 11:30.
All right. WHAT ←

MS. SCHWARZ: Thank you.

BAILIFF: All rise.

(At 9:39 a.m., matter is recessed.)

(At 9:53 a.m., matter is reconvened.)

} 14 MIN

BAILIFF: All rise. Probate and Family Court for the County of Clare is now in session, the Honorable Marcy A. Klaus presiding.

THE COURT: Thank you. Have a seat please.

MR. DAVIS: Ravi? Ravi?

THE COURT: Mr. Davis, go ahead and have a seat please.

MR. GURUMURTHY: Have a seat please.

THE COURT: So, we are back on the record in the matter of Crystle Davis, file 17069NA. And the record will reflect that all counsel are present as are both the mother and the father. And we took a short break. It was a little longer than I had anticipated. And are we ready to go

14 MIN
WAIT FOR D.A.
ADMISSIONS
⑦ MIN

forward?

PROSECUTER

MS. SCHWARZ: Actually, your Honor, we need a little bit more time. The respondent father's counsel presented to us that if we put together some admissions, that -- that they would consider those. As they indicated when they argued the motion, is they would be willing to make admissions but, so the five minutes that I had to talk with my client about your rulings and the ramifications relating to that. We just need a little bit more time to put together some proposals. And maybe would resolve this case.

THE COURT: All right. Thank you. Mr. Gurumurthy, is that true?

7 DAYS NOT 5 MIN

MR. GURUMURTHY: That is correct your Honor.

Again, after the Court's ruling with what we have in the allegations, my client indicates most of them again, as it relates to Crystle are untrue. So, maybe we can decipher what those are, and we could maybe in the next five minutes, seven minutes have something that -- he's already done the psych eval, we've already presented that. So, I think the Department knows where this is probably going to go. It might give them an opportunity to put something together that my client can review and say, okay, this makes sense, or it doesn't, I don't know.

NOT? JUDGE

THE COURT: All right. So, Mr. Davis I'm not going to waste today. I have time guidelines that I have to follow

TODAY → NOT 7 DAY ✓ NOT ✓
 1 so, we're going to have either a trial or admissions today.

2 One or the other. So, it sounds like everyone's talking now,
 3 which is a good thing. Maybe we can get this moving forward

4 so that if there are admissions, reunification is the goal. CON CON

5 So, we can start this down the road and get you and your
 6 daughter into some productive services and get you guys back

7 together. So, that's if there are admissions. If we go

8 through a trial, that's fine too. I don't know what the

9 outcome of a trial would be. But I don't want to waste today

10 and I know the attorneys are ready to go and they probably

11 don't want to waste their time either. So, I will give until

7 MIN 10:30 --

12 MS. SCHWARZ: Thank you. FOR WHAT

13 THE COURT: -- that should be ample time given what
 14 you've told me. And if you're ready earlier than that's fine,
 15 just let me know. 7 MIN

16 MS. SCHWARZ: We'll let you -- OUTTAKE

17 DA. THE COURT: And then if there's no resolution, if
 18 you -- Mr. Davis, I want you and Mr. Gurumurthy to hear this,
 19 so you know. If there's no resolution by 10:30, then we're
 20 gonna go. Okay? So -- OUTTAKE PRESSER NOT 7 DAY

21 MR. GURUMURTHY: Correct. Your Honor, my client
 22 has a question for the Court. I've explained to him what
 23 admissions are, he'd like to hear it from the Court --

24 THE COURT: Okay. NO NOT OK

25 HE
 SAID THIS
 WOULD NOT
 HAPPEN

WAS SENT FOUND GUILTY OF AIN
BY CLARE CO COURT

MR. GURUMURTHY: -- because his position with how
this whole matter has transpired is, he does not trust
attorney's. So -- CUT OFF AIN

PROSEC THE COURT: All right. NOT ALRIGHT

MR. GURUMURTHY: -- if the Court would be kind
enough to explain to him, if he were to make admissions, what
those admissions are. It's not a guilty plea. It's not a
not guilty verdict. He's not being charged with child abuse.

LIE I've told him that, but I think he needs to hear it from the
bench. JUDGE

D.A. SWART THE COURT: Okay. So, is that what you need to
know, Mr. Davis? You're wondering what admissions -- what
that means in this court?

MR. DAVIS: Pretty much pertaining to the actual
documents that hadn't been already proved as -- CUT OFF

THE COURT: NOT Okay. Well let me -- let me -- AIN

THEY STOPED M MR. DAVIS: -- manufactured -- OUT TAKE

THE COURT: -- tell you this. I want to tell you
what admissions mean in this courtroom. 'Cuz we're different.

This is a different courtroom.

MR. DAVIS: I'm seeing this. KANGAROO

THE COURT: It is. This is not a criminal case.

There's nothing to do with a criminal case in here. This is

LIE just a civil case. And this is Family Court. So, when any
parent comes into this court under these types of

LIES

LIED
LIE
STILL DON'T UNDERSTAND THIS KEEP CUTTING ME OFF

NO CHOICE

BASED ON PURGE RY

circumstances where we have a petition that's been filed, and
 allegations made. If a parent chooses to come in to this
 courtroom and make admissions, they admit to some or all of
 the allegations in the petition. So, they -- they would go
 through the petition and they say admit to certain portions
 of the allegations in the petition. And when you make those
 admission, it's not guilt. It's not guilty, not guilty, it's
 admitting. So, it's admitting to some facts. So, establish
 some facts so that I have something to go forward with.

When I say go forward, this Court is all based on
 reunification of the family, getting the family back together
 and offering any services, so any therapy or any counseling,
 or any help that a family needs in order to stabilize the
 family and get things back on track for the family. So,
 that's the whole goal here. The whole goal is to get the
 family back together but get it back together in a healthy,
 really good way. Okay? So, that's kind of a -- that a --
 kind of a basic way to put it but I think it's understandable
 when I say it that way.

MR. DAVIS: It's kind of vague in my eyes is
 because the one of the things I would admit to, it's not on
 this petition, is our family suffers from poverty. ONLY

THE COURT: All right. Well, listen, that's one of
 the services that can be offered, is to help alleviate some
 of the hardships that come with poverty. So, that's -- that's

LIE PURGE

JUDGE SAID NOT GUILTY 3X

NOT COURT ORDER

LIE LIE LIE

SAID SHE CHANGED HER MIND

KLOYS

NEVER OFFERED

JUST MADE IT WORSE

1 one of the services that can be offered is help in that area. DID NOT
 2 HERE But I can't -- I can't do anything. The Judge, or the court
 3 COME in these circumstances, anywhere in the state of Michigan, we
 4 THE can't do anything until we have what's called jurisdiction.
 5 CON And jurisdiction only comes -- I only have the power to help
 6 if there are admissions or if I go through a trial and I find
 7 that it's appropriate that I take what is called jurisdiction
 8 or I take -- they use the word power. But I take power or
 9 control over a family and help that family. And then I can
 10 order everybody to do things. I can order the Department to
 11 help you. I can order you to go to things to help you. I
 12 can order your daughter to go to therapy to help her. I can
 13 order both of you to go to therapy and counseling to help out
 14 your family. But until I -- I go through either a trial
 15 process or I go through an admissions process with a parent,
 16 I can't do anything. I'm just here to listen until that
 17 happens. Until there are admissions or until I have a trial
 18 and I find that it's appropriate that I take control over a
 19 case.

20 MR. DAVIS: I understand that.

21 THE COURT: I take jurisdiction. Okay?

22 → MR. DAVIS: The part that I'm not having an easy
 23 time understanding is -- it actually becomes financial is
 24 because to abide in all these demands, is that I could not
 25 make admissions to that I can abide in them because

NO STOP MY DENIAL ADMIS

THIS IS WHY NEVER AGREED

financially this is what started this whole thing to begin with. Because I tried to get this done on my own.

THE COURT: Well, I'm gonna stop you there Mr. Davis. Mr. Davis, I'm gonna stop you because I don't want you to say something that you -- I don't want you to create your own problem here, okay? So, I'm trying to be respectful of what you want to tell me but I gotta stop you at the same time so that I protect your legal rights, just like your attorney is doing. NOT HER JOB NEVER CARE ABOUT RIGHTS

MR. DAVIS: Pretty sure by now, you've already understood anyways. OH HOW I UNDERSTAND SAR ENTERPRISE

THE COURT: And so, when / when a parent comes to this court, we go through the admissions process or we go through a trial and I take jurisdiction, so I take some control and power over the family to order them to do things. DENIE NO 3 NO WIT NO SOP

Then when I order you to do certain services, then at the same time, the Department usually voluntarily, but if they don't do it voluntarily, then I can order them to provide gas cards, telephones. I can order them to provide some financial help. You can shake your head and put your head down -- NO NO NO

MR. DAVIS: Oh no. I'm sorry. I'm sorry.

THE COURT: -- but we're all limited here. Okay. I don't have a pile of money that I reach into and I give to you. All I have are the services that the State of Michigan

DO TO

30

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YOU PUT LIMIT ON EVERYTHING LIMIT RAUI LIMIT TIME LIMIT TO ENTERPRISE

PURGERY

BARE

PURGERY MOULISSOUS PRO

NEVER HELP AT ALL EVER

STATE OF MI RIGHTS HAVE BEEN TAKEN!

OUT
TAKE

offers and that's all the Department has as well. So, if
it's a -- if it's -- we can't tackle these things until we
get there either. So, you can anticipate I'm gonna fail, I'm
gonna fail, I'm gonna fail. We don't know that. You may be
very, very successful and you don't even know it yet. So, we
can't cross that bridge until we come to it. So, each
family's different and each family has different issues and
problems that we try to solve. Okay? SAME FORMAT FOR
WHO SAID THIS NOT EVERYONE
MR. DAVIS: My -- my one issue that I think would
really help everyone in this case was just shortly before
this had happened because of the bus stop issue. Was I was
going to petition the courts and I'm not sure if I would have
been in the correct court here, was to petition the court so
that Crystle could have mental evaluations done and that she
could be evaluated as needing a \$ a supplementary income as
did her mother for many years still. SSI

THE COURT: All right. Well, those are -- those
are answers that we can give you through these types of
cases. So, I'm just talking real general terms. But often
times, those are things that we discover in these cases that
no one would have known but for the case happening. So,
you're ~~of~~ I think part of the issue is if we were traveling
down a road, I'm still at the stop sign and you're about five
miles ahead of me. So, I've got to get you back to the stop
sign so we can start at the same place and move forward. And

V 13 YRS
13 MIN

31

CHECK WITH
ENTERPRISE FIRST

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1 that -- in all these types of family law cases, where we have
 2 protective proceedings, if we do it all together at the same
 3 time, we can be successful, but if we're -- if we're lurching
 4 around and not working together it falls apart. PURGEY

5 NO TIME MR. DAVIS: It's just these admissions are scary.
 6 NOT ENUS MR. GURUMURTHY: No. I heard that before.

7 THE COURT: So, I'm gonna stop here because I'm
 8 eating up your time and I don't want to do that. So, you got
 9 about 27 more minutes to go. Court's in recess. TIME FOR

10 NO TIME MR. GURUMURTHY: Thank you, your Honor.
 11 FOR BAILIFF: All rise. WHY THANK HER PLAY
 12 JUSTIS (At 10:02 a.m., matter is recessed.) 28 MIN

13 (At 10:30 a.m., matter is reconvened.)

14 BAILIFF: All rise. Probate and Family Court for
 15 the County of Clare is now in session, the Honorable Judge
 16 Marcy A. Klaus presiding.

17 THE COURT: Thank you. Have a seat please. So, it
 18 is 10:30 and I'm going back on the record in the matter of
 19 Crystle Davis, file 17069NA. And we are missing the
 20 petitioner and her attorney. Mr. Gurumurthy, did you have the
 21 opportunity to look at some proposed admissions for your
 22 client.

23 MR. GURUMURTHY: I was just handed them as I was
 24 walking inside the courtroom. I haven't had a chance to
 25 review them with my client or thoroughly review them myself.

BUAMS RUSH

32

JUST DO

IT

33
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 Harrison, Michigan

WE NEVER HAD
Q/A

1 THE COURT: All right.

2 MR. GURUMURTHY: But I do have them here. I do
3 have a PATP that's dated 11-7-2017. We can argue that on the
4 record after admissions were made, but -- OUT TAKE

5 THE COURT: Okay.

6 MR. GURUMURTHY: -- I do have them in my hand right
7 now. PROSACUTE

8 PROS THE COURT: All right. So, if you want to use our
9 conference room for about five minutes, we'll see if we can
10 find the Prosecutor and get things rolling here.

11 MR. GURUMURTHY: Okay.

12 THE COURT: Okay?

13 MR. GURUMURTHY: Thank you.

14 THE COURT: So, it's interesting it happens right
15 at 10:30 when I said that's when we'd go back on record that
16 they're handed to you so. All right. Thank you. NOT 7
DAYS

17 MR. GURUMURTHY: Thank you.

18 THE COURT: I'm gonna remain here. We'll go off
19 the record?

20 (At 10:32 a.m., matter is recessed.) 13 MIN

21 (At 10:45 a.m., matter is reconvened.)

22 THE COURT: All right. We'll go back on the record
23 in the matter of Crystle Davis, file 16019NA, and I think
24 that should be 17 actually, 069NA. And the record will
25 reflect that all counsel are present as are both the mother

WHAT
LIED TO
WORKING FOR THE COURT

DIDN'T WANT TO THINK

WHY WOULD HE SAY THIS? HOW HE IS WORKING FOR THE PROSECUTOR & JUDGE

and the father in this case. And the Court's taken a couple of breaks here. And Mr. Gurumurthy, is your client ready to go forward?

MR. GURUMURTHY: Your Honor, after discussing with my client the proposed admissions that were handed to us this morning, my client is willing to go forward. He would like to

explain all the admissions. There are certain changes that I've made, but given we're delayed, I will just read them very slowly on the record. I think there is still enough for

the Court to take jurisdiction and we can go forward with those admissions.

One of the other things that I was just handed, is and I asked all the parties if there was an inquiry made about whether this family had any Indian heritage. There has been an inquiry made but nothing has been received. My client has a letter saying he is part of a tribe. He can explain that. So, look at this is not a removal, so I don't

think the tribe is going to be involved with any of those proceedings, but I can make copies of these. I haven't totally reviewed them but there is something from the

Michigan Indian Legal Services in Traverse City that indicates that he has also indicated that there is Indian heritage.

THE COURT: All right. Thank you. So, we'll just kind of go slowly through this --

CUT OFF
JUST IGNORED IT
4 HR NOT INTERED

MIN OF ADVICE
RAVI WISH TRILE

NOTHING SLOW ABOUT IT
HURRY WE ARE RUNNING OUT OF
TIME

MR. GURUMURTHY: Correct.

THE COURT: -- so that I can keep up with
everything as well as Mr. Davis, okay?

MR. GURUMURTHY: And Mr. Davis would like to
explain each and every one of them.

THE COURT: Okay. So, Mr. Davis do you have gum in
your mouth?

MR. DAVIS: I'm sorry. But my breath was so bad I
couldn't even swallow.

THE COURT: All right. So, we're recording this, so
→ you make your admissions, I'm gonna ask that you remove your
gum. ME →
DISTRACT

MR. DAVIS: Sure.

THE COURT: And so that we have a nice clear
recording and I think Ms. Howe has just given you a cough
drop, so if you need that when you're done, you can certainly
use that cough drop. WHY WOULD I NEED IT THEN!
WANT THE DIF

MR. DAVIS: It's just the dryness from sinuses
dripping.

THE COURT: Okay. So, if you'll just remove the gum
that'll make it then we'll make sure your voice is nice and
clear on the recording.

MR. DAVIS: Wish I could have chewed it for five
more minutes.

THE COURT: Sorry.

I DID NOT
WANT TO
DO THIS

FEAR

FEAR

35

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NOT

I COULD TASTE
FEAR

CON!

MR. DAVIS: I was doing it not to embarrass myself with these people so close to me.

THE COURT: We are ruled by the Court, or by the clock. The Court's ruled by the clock I should say. So, Mr. Davis I want to go through what -- what we're doing here. So, you're going to be placing some admissions on the record, correct? DONT WANT TO SOME

MR. DAVIS: Yes.

THE COURT: And Mr. Davis, you understand that by going forward with admissions, you're giving up your right to have a trial. So, we will not have a trial in this case, do you understand that? I NEVER GIVE UP MY RIGHTS

MR. DAVIS: I do in a sense. I mean, because my family does need the medical help. ONLY-CHRISTIE

THE COURT: I'm gonna stop you there. Do you understand that we won't have a trial if we go forward with admissions today? Just that simple question. NOT THAT SIMPLE

MR. DAVIS: I've not even been given a choice yet to determine yet. PRESSER HURRY HURRY

THE COURT: You have Mr. Davis. You've been given that choice multiple times and that's why I've delayed the matter for almost two hours this morning. Because I was ready to go at nine o'clock for a trial. But there are indications that admissions may be appropriate in this case after I made some rulings. And you've had plenty of time at

AFTER

JUDGE DID NOT WANT TRIAL DID NOT HAVE SOP FOR WITNESSES

36

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7 MIN
1 WANT TRIAL FOR A YEAR

NOT ENOUGH TIME

NO I DID NOT KNOW THIS

COULD SHE JUST NOT ACCEPT THE FACT I DID NOT WANT ANY ADMISSIONS

1 NO 1 DID NOT / STILL MAD ABOUT
2 NOT this point to consider those, discuss them with your LITIGANT
3 attorney. Just in regards to -- are we having admissions or
4 7 MIN ACTUAL 5 MIN
5 are we having a trial? You represented to me that we're
6 having admissions today. So, that's what we're going to do
7 next. Do you understand that? That you'll be making
8 admissions? CONN ME DID NOT
9 MR. DAVIS: I understand the procedure, I wish that
10 I had had more time to think about it. NO MORE TIME
11 THE COURT: Okay. That's all I'm -- that's all I'm
12 asking you. If you understand procedurally that we'll be
13 making -- you'll be making admissions --
14 MR. DAVIS: Yes.
15 THE COURT: -- and not having a trial. Do you
16 understand that just procedurally? NO TO DAY
17 MR. DAVIS: I don't want to admit to anything I
18 didn't do. There are a couple things on there -- OF CUT OFF
19 THE COURT: Mr. Davis, do you understand that you
20 will not have a trial if you made admissions? Yes or no?
21 MR. GURUMURTHY: You're not admitting to anything
22 you didn't do. These are what we went over. 7 MIN
23 MR. DAVIS: All right. I'll -- I'll admit to the
24 things that are on here. NO WE DID NOT RUDELY
25 THE COURT: Okay. I'll stop you there. It's a
26 simple question. You're overcomplicating this and you're
27 getting yourself all wound up by making it more complicated
28 CONN ME
29 CONN
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FORCE NOT CHOICE

1 than it is. (So,) you gotta follow me, okay? So, when you
2 make the admissions today, you're gonna place those on the
3 record. You can offer an explanation and that's what I
4 understand you're going to do, is that you're going to make
5 the admission, then you're gonna offer a short explanation to
6 me. And that's fine. Do you understand that?

MS. DAVIS: Sure. I DIDN'T LIKE THE CON

8 IS THIS PROS THE COURT: Okay. And there won't be any witnesses
9 called to testify on your behalf. You won't cross-examine
10 any witnesses. I won't subpoena any witnesses because we're
11 making you're making admissions today. And we'll proceed
12 forward after you make those admissions. So, I'm gonna have
13 you stand up and raise your right hand to be sworn in.

MR. DAVIS: I'm most uncomfortable with this

MR. GURUMURTHY: Well then + then have your trial.

THE COURT: All right I SAID NO NOT ALRIGHT

RECORDER: Do you swear or affirm the testimony you

are about to give shall be the truth, the whole truth, and

nothing but the truth?

MR. DAVIS: Yes.

THE COURT: Go ahead and have a seat. Now Mr.

Davis, go ahead and sit down. Mr. Gurumurthy's gonna ask you
the questions that are written out that you've gone over with

him in the -- in the conference room. And first I'll be

listening for the word admit and then I'll listen for your

THE MAGIC WORD NOT AGREEMENT
NOT ADMISSON
4 MINITS

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17th Judicial District Probate Court

Harrison, Michigan

NOT ADDI MISK

HOW MANY
TIME DID
I HAVE TO
SAY NO
ADMISS

AGIN
DID NOT
WANT
TO DO
THIS

INTERRUPTED
3X
TOLD TO
HURRY
UP

CON CON
CON CON

1 explanation. Okay? Does that make sense?

2 MR. DAVIS: Kind of want to say it the other way
3 around, but that will be fine. →

4 THE COURT: That's how I'm gonna tell you to do it.

5 MR. DAVIS: Yes.

6 THE COURT: Okay? All right. So, Mr. Gurumurthy?

7 MR. GURUMURTHY: Thank you, your Honor. Mr. Davis,
8 you heard what the Judge had to say, correct?

9 MR. DAVIS: Yes.

10 MR. GURUMURTHY: Now I'm gonna read some of the
11 allegations that we went over in the conference room that was
12 just handed to us NOT 7 DAYS this morning. We had a chance to review
13 them. And after I read each allegation, I would assume you
14 would admit to each allegation and then provide an
15 AGREE explanation as you indicated you would like to provide,
16 correct? Yes?

17 MR. DAVIS: Yes.

18 MR. GURUMURTHY: Okay. It's all being recorded
19 that's why I need you to answer yes or no. Okay. I'm gonna
20 read the first one. One, Rodney Davis, date of birth 1-15-
21 1954 is the biological father of (Misty Davis) date of birth,
22 11-16-1999 and (Crystle Davis) date of birth 1-22-2004.

23 MR. DAVIS: Yes.

24 MR. GURUMURTHY: Okay. Again, I'll read it again.
25 I don't know if that yes was to the --

JUMP KANGA JUMP CUT OFF AGAIN

1 MR. DAVIS: Yes.

2 MR. GURUMURTHY: -- question I answered.

3 DISTRACTION MR. DAVIS: Yes. Yes, was the answer.

4 MR. GURUMURTHY: Yes, to the first allegation.

5 MR. DAVIS: Yes.

6 MR. GURUMURTHY: Okay. Thank you. Second. Wendy

7 Davis, date of birth 5-30-1971 is the biological mother to

8 Misty Davis, date of birth, 11-16-1999 and Crystle Davis,

9 date of birth 1-22-2004. ↑ WHY THIS QUESTION

10 MR. DAVIS: Yes.

11 RAM MR. GURUMURTHY: Three. Rodney Davis did not
12 execute a power of attorney for Crystle Davis while Rodney
13 Davis allowed Crystle to stay with Ruth Nordstrom(sic) to
14 attend school, in other words, home school, correct? To be
15 home schooled three days a week? Is that an admit or deny?

16 DENI MR. DAVIS: Oh. That's false. NO

17 MR. GURUMURTHY: You can explain that. But isn't
18 that what occurred?

19 MR. DAVIS: What was it that occurred?

20 MR. GURUMURTHY: Was Crystle living with Ruth --
21 Ruth Nordstrom(sic)? ←

22 MR. DAVIS: No, she was not living there.

23 MR. GURUMURTHY: Was she staying with Ruth? VISIT

24 MR. DAVIS: She was being home schooled there.

25 MR. GURUMURTHY: Okay. How many days a week?

2 1/2 (2)

MR. DAVIS: Two and a half.

MR. GURUMURTHY: Okay. While she was staying with Ruth being homeschooled, did you execute a written power of attorney? NEVER HAPPENED

MR. DAVIS: I gave a written -- handwritten letter that her father had written that I signed stating that I gave her permission to be home -- I gave Ruth Nordman permission to home school Crystle Davis at Ruth and Ron's home.

MR. GURUMURTHY: Mr. Davis, I want to ask you again. Just answer the question. Was Ruth Nordstrom (sic) given a power of attorney?

MR. DAVIS: No.

MR. GURUMURTHY: Okay. Do you want to explain somebody else had a verbal power of attorney, correct?

MR. DAVIS: Right.

MR. GURUMURTHY: Go ahead.

MR. DAVIS: When she had gone up there, there was reason to believe that it was brought up even at the very beginning before she even went there the first time, was there would be no need for power of attorney or temporary custody orders is that they're only 30 minutes away and that I could either bring her up there to go to school and hang around and come back on days that she needed to be there. There was never any need for a power of attorney because I've got friends of ours that live close to where we are that are

& FAMILY IN CADILLAC

1 very widely known and well respected and we've known them for
2 50 years.

ROUND 2
GALLOWAY

NOT SOP OR DEPOSITION

MR. GURUMURTHY: What are the names of your
4 friends?

5 MR. DAVIS: And it was a verbal agreement which I
6 found out in this day, a verbal agreement between two parties
7 is a binding contract. That they would care for my children
8 if they were ever needed.

9 MR. GURUMURTHY: What are the names of your
10 friends?

11 MR. DAVIS: Mike Pitrowski and Julie Pitrowski.

12 MR. GURUMURTHY: Do you know how to spell their
13 last name?

14 MR. DAVIS: P-I-T-R-O-W-S-K-I.

15 THE COURT: And so, you admit paragraph number three
16 with that explanation, is that fair to say? NO

17 MR. DAVIS: Seeming that was the contract that we
18 had between the -- CUT OFF AGAIN [7] OUT TAKES

19 THE COURT: You admit paragraph three with your
20 explanation, correct?

21 MR. DAVIS: Yes.

22 THE COURT: All right. Thank you.

23 MR. GURUMURTHY: Mr. Davis, I want to go forward
24 with number four okay? Rodney Davis did not file an action
25 in the Probate Court to consent to a limited guardianship for

WHO EVER HEARD OF THIS?

RNAN ONE
TALKED TO

1 Crystle Davis while Rodney Davis allowed Crystle to stay with
 2 Ruth Nordstrom(sic) to attend school three days a week. ^{NOT LIVE}
^{NORDMAN} ^{2 DAYS}

3 MR. DAVIS: Never would have known or needed to.

4 MR. GURUMURTHY: Okay.

5 MR. DAVIS: And I've already -- CUT OFF AGAIN

6 MR. GURUMURTHY: Okay. Let me ask you that again.

7 Did you come to Clare County Probate Court and file an action
 8 in this Court regarding a limited Guardianship?
 9 NO NEED
 10 FILE IN AT PLEASE

11 MR. DAVIS: No. I refused to give any limited
 12 guardianship to that Ruth Nordman family. DID NOT TRUST

13 MR. GURUMURTHY: Okay.

14 MR. DAVIS: I did not want them using it for -- AGAIN CUT OFF

15 THE COURT: All right. Mr. Davis, remember I asked
 16 you make the admission and then offer the explanation. So, I
 17 want you to follow my directions, okay? BUT I GET CUT OFF

18 MR. DAVIS: All right. ^{BE COMING}

19 THE COURT: So, as to paragraph number four, do you
 20 admit paragraph number four? And then I want to hear your
 21 explanation.

22 MR. DAVIS: Yes, I admit to it. [✓]

23 THE COURT: All right. And now you can offer your
 24 explanation, which you've already started to, so pick up
 25 where you've left off.

MR. DAVIS: Well my explanation started with about
a month previous to this is that she was going to be

1 attending school in the State of Ohio. Is that we have --
 2 **MORE DISTRACTION** THE COURT: Who's that? Crystle?
 3 MR. DAVIS: Yes. **DAVIS**
 4 THE COURT: Living with whom? **NOT**
 5 **NOT NO** MR. DAVIS: With Ruth -- **NOT RUTH**
 6 MR. GURUMURTHY: Marylynn. Marylynn.
 7 MR. DAVIS: -- I'm sorry. With our friend Marylynn

8 who is very well off and have plenty of room, known my
 9 children, known me for many years. And that their church has
 10 a school and I felt the need that Crystle needs to be in a
 11 more one-on-one type school as that she was not having good
 12 reception at our school at the time. **FARWELL**
SCHOOL
BUS

13 THE COURT: Good receipt -- was she having trouble
 14 in school? **BUS** **BUS WRECK**
JUDGE **ROD**

15 MR. DAVIS: Absolutely.

16 THE COURT: Socially or academically or both?
JUDGE

17 MR. DAVIS: Both.

18 THE COURT: All right.

19 MR. DAVIS: Actually, ~~of~~ her socially part was
 20 contributing to her academic's failures. **BUS WRECK**
JUDGE

21 THE COURT: All right. So, thank you for that.
 22 Let's (move on) to paragraph number five. And at ~~of~~ again
 23 remember, I first want (admit) and then I want the explanation.
 24 So, that's the order that we're going. **CON**

25 MR. DAVIS: (I'm not all the way done.) I might --

CUT OFF
EXP AGAIN

44

POWER
OF AT

OUT TAKE

JUDGE PUT WORDS I DID NOT SAY

YES → finishing up for you to understand, but those power of attorney's would have been executed for Marylynn so that she could cross state lines with my children. There was no need to use them same power of attorney's with Ruth. NORDMAN

THE COURT: I'm gonna stop you there Mr. Davis.

'Cuz I understand. → ? DID SHE NOT

MR. DAVIS: All right. OUT TAKE OUT TAKE

THE COURT: And there's -- there's different -- this

is like a play, okay? And we've got a script that we follow. NO ENTERPRISE

MR. DAVIS: All right. ?

THE COURT: And there are different parts that we

each play and there are different times for you offer further information to me. So, I need limited information now. REFUSED EXPLANE TO ADMIT

Further information comes later, okay? So, I'm not trying to deny what you're telling me -- SHE DENY

MR. DAVIS: I just wanted you to understand. AFTER ITS TO LATE

THE COURT: -- I'm just trying to say I just, no. I understand that. But it needs to come at a different point. So, let's move on to paragraph number five. NO EXP

MR. GURUMURTHY: Number five. And you and I have made changes to it because -- so, I'll read those, and everybody could follow those. WHO

THE COURT: All right.

MR. GURUMURTHY: Five. Rodney Davis was convicted of attempting to disturb the peace with a delayed sentence

PLE/BARGAIN
COULD NOT AFFORD
JUSTIS \$

45

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JUST PAY 150 OFF REB
TO COVER THEIR
ASSES
SHERIFF
DEPT

DAY 42

status on 12-6-2017. You can either admit first then explain.

MR. DAVIS: True.

AT SCHOOL
NOT BUS
STOP

MR. GURUMURTHY: Admit or deny?

MR. DAVIS: Admit. ?

THE COURT: All right.

MR. GURUMURTHY: Okay. Now you want to explain that? Go ahead sir.

OUT TAKE

MR. DAVIS: This came -- this stemmed from a case that originated at the same time that Crystle was kicked off the bus is when we went with (Plan B) about having her to be schooled in another state. Was that the -- that she was being kicked off the bus in front of my home, of course, I hadn't any knowledge of this because it was through the school system to evade me knowing.

OUT TAKE

INTERESTING BULLSHIT
CRYSTLE

THE COURT: There was an issue with the neighbor.

Is that correct?

MR. DAVIS: Yes. And they were across the street.

THE COURT: And that's what this stems from, ?

correct?

MR. DAVIS: He --

OUT TAKE
CUT OFF AGAIN ON EXPLAIN

THE COURT: That's really all I need to know for

this purpose and then you're gonna tell me more about it later on. But that's all I need to know for this purpose is

that -- that's what it comes from and you're on a -- are you

(ATTEMPTED TO DISTURB THE PEACE)

JOKE

MARKY
LENN
OHIO

BULL SHIT /
COPS NOT ARREST. TILL PAY 150\$

currently on a delayed sentence through District Court or is that done?

MR. DAVIS: Yea. I just gotta make one more payment to them and it's over. 50\$ ALL ABOUT \$

THE COURT: Okay. All right. Well, that's a good thing. That's all I want to know and I'm gonna stop you there. 'Cuz you're -- no. You're ending on a positive and you -- Mr. Davis? That's one of the rules. I told you it's a play and I'm the director. So, I tell you when to start and when to stop, okay? So, I'm telling you to stop here because we need to move on to paragraph six. Paragraph number six. THIS WAS NOT ADMIT

MR. GURUMURTHY: Thank you, your Honor. On number six. On October 16, 2017, Rodney Davis called CMH, Community Mental Health to complete an intake for Crystle but lost connection on the call. Admit or deny?

MR. DAVIS: Admit I keep wanting to say true.

JUDGE THE COURT: All right.

MR. GURUMURTHY: Okay. Number seven. Since that time, Rodney Davis has not followed up to complete the CMH intake due to Ms. Bianca Hernandez not giving Rodney gas cards and Mr. Jereme Bear, both of DHS did not make a referral to CMH regarding the intake? Admit or deny? I know I've scribbled those.

MR. DAVIS: Well, I'm not real sure how I'm

WAITING FOR
REFERRAL

1 supposed to admit to something that nothing happened.

2 MR. GURUMURTHY: But is that what happened?

3 MR. DAVIS: It was the other parties. OUT TAKE

4 MR. GURUMURTHY: Okay. You can explain that. But

5 is that what happened? You didn't follow up -- NOT TILL THE

6 MR. DAVIS: I admit that happened. 3RD OF MARCH

7 I WAS LIED TO THE COURT: So, I want to be clear. So, you're
8 admitting that you did not follow up to complete this -- the
9 community mental health intake and GET CARD OR REF then you're gonna offer an
10 explanation as to why?

11 MR. DAVIS: Yes.

12 THE COURT: Okay. So, you admit to not following up
13 on the CMH intake?

14 MR. DAVIS: Yes.

15 THE COURT: All right. Now you can offer the
16 explanation.

17 MR. DAVIS: At the time that we had seven (7)
18 witnesses, I was offered to take Crystle to mental health, is
19 that she needed counseling, which I had already known. And
20 had already planned on doing that. But just as it states in
21 here about financially. Is that I told them that financially
22 I couldn't do it at that time because it was the middle of
23 the month. I wasn't prepared. WAS LIE WASN'T ASKED TO DO THIS BY THE
24 end of the month and I would have money and do that. I was
25 told by Jereme Bear was that he would get a referral so that

HE LIED
10X BUYING TIME

48

NEVER TRIED
LIED

GOT
WARRANT
INSTEAD

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OCT 25
BOOK CLOSED
1130 AT
WIG AT

CPS JEREA BARE

NEVER
TRIED
LIE
ABOUT
FELLOW
MEMS
ADVISE

Both failed miserably as -- OUTTAKE
 THE COURT: All right. Thank you, Mr. Davis. I'm
 gonna -- this is where I get to stop you again. So, we're
 gonna move on to paragraph number eight.

¹⁴ JER BARE
¹⁵ REMOVED
¹⁶ SURGERY
¹⁷ TAKEN OUT
¹⁸ OF CONTEXT
¹⁹

he has to say?

FOR cry
avis, number (eight)

MR. GURUMURTHY: Rodney Davis, number eight, Rodney

1 Davis agrees that he is financially unable to obtain mental
2 health services for Crystle Davis. Admit or deny?

3 MR. DAVIS: Admit.

4 MR. GURUMURTHY: Do you want to explain?

5 MR. DAVIS: I would think that had already been
6 done.

7 MR. GURUMURTHY: Okay. Thank you.

8 THE COURT: I think it was Mr. Davis. Thank you for
9 that. And thank you for your patience in listening to me
10 when I gave you instructions. That's gonna be -- that's
11 gonna be key in this case in that when I give you
12 instructions, we need to work together on this and make sure
13 that you follow through, okay?

14 So, I am going to accept the admissions that you've
15 placed on the record. I'm going to accept those admissions
16 with your explanations that you've offered as well. And I
17 find that they have been made knowingly, understandingly and
18 voluntarily. And so, the Court will take jurisdiction of
19 Crystle Davis through her father's admissions that have been
20 placed on the record. And Mr. Gurumurthy, if I could have a
21 copy of the -- the amendments that you made to those
22 admissions.

23 MR. GURUMURTHY: I can, your Honor. Absolutely.

24 THE COURT: I just want to make sure I have that in
25 the file, so I have the right admissions in the case.

AGREEMENT NOT

I NEVER
DID ANYTHING
VOLUNTARILY
NOT
SUBMITTED

1 MR. GURUMURTHY: They are my -- my scribbled notes
2 but yes.

3 THE COURT: Okay. Thank you. Do we have the parent
4 -- a proposed parent-agency treatment plan?

5 MS. SCHWARZ: What we prepared, your Honor, a
6 parent-agency agreement and treatment plan back in November,
7 November 7th, 2017. And it addressed everybody in the family
8 which was distributed out to everybody, I believe, at least
9 it has been prior to this hearing. *LIE*

10 THE COURT: Do you have that Mr. Gurumurthy?

11 MR. GURUMURTHY: I do. Yes, your Honor.

12 *NOT PROPER* THE COURT: Pardon *D.A.* us for interrupting. Okay.

13 MS. SCHWARZ: We have on here three services to get
14 started with the services that we believe are needed for the
15 family and Crystle.

16 THE COURT: Has Crystle started the CMH services
17 that are recommended for her? *BY BARN'S NO ROMAN*

18 MS. SCHWARZ: Yes, she has.

19 THE COURT: Okay.

20 *HERE'S THE* MS. SCHWARZ: And we want to continue with those
21 services, but I know the Court likes to enter those orders
22 specifically as it relates to -- to the parties.

23 THE COURT: All right. Mr. Gurumurthy were you
24 able to go through the proposed parent-agency treatment plan
25 with Mr. Davis? *ONLY 2 MIN*

*NOW DHS
BARCE TRYING
TO HIDE
BARN'S
WITH HOLDING
EVIDENCE*

1 MR. GURUMURTHY: I have your Honor. So, if we are
 2 looking at Mr. Davis, the first one is psychological
 3 evaluation with Doctor Barnes. My client has completed his
 4 psychological evaluation with George Ronan, who is a licensed
 5 psychologist, a Ph.D. in Mt. Pleasant. (All parties are)
 6 served with that evaluation. He has completed that. I don't
 7 think there is a need to go see Doctor Barnes, so I think
 8 he's already completed one of his -- his PATP requirements.

9 → Sign all requested releases, my client -- that's
 10 number three And I will address number two in a minute,
 11 that's gonna take a longer explanation. I don't think my
 12 client has any objection to signing any requested releases as
 13 along as he can review it, his attorney can review it and
 14 then we can sign it. That's been standard practice. I don't
 15 think he has any objection to that.

16 MR. DAVIS: (inaudible words.)

17 MR. GURUMURTHY: In the future, if you have any
 18 signed releases as this case progresses, I'll be able to
 19 review any releases that are required. You, of course, will
 20 have the opportunity to review it. Nobody's gonna just ask
 21 you to blindly sign one, correct? Yes? → Q

22 MR. DAVIS: Yes.

23 MR. GURUMURTHY: Okay.

24 MR. DAVIS: Sorry.

25 MR. GURUMURTHY: The second one is participating

I WILL NOT COOPERATE WITH
 LIVING TERRORIST

24
23
IS IT
NOT SO
OBVIOUS

PROF OF ENTERPRISE STATE LAW

1 with parenting times in accordance with DHHS guidelines. We
2 don't know what DHHS's guidelines are. So, we need some
3 clarification on what those guidelines are. Currently,
4 parenting time is at least via telephone. We -- I can address
5 that after the Court orders the PATP today. I'm going to be
6 asking at least some supervised, even -- even if it's at DHS.

7 MR. DAVIS: Oh, so that's (inaudible words).

8 THE COURT: Is there a reason family therapy was
9 not recommended?

10 MS. SCHWARZ: Well, the issue was is that Doctor
11 Barnes was to do the evaluation. He was the one that
12 evaluated Crystle and then come together as far as ENTERPRISE
13 recommendations for family counseling.

14 MR. DAVIS: No, I don't want this. I can't do
15 this. I said, you know -- (inaudible words). I'm mad. No.

16 THE COURT: Mr. Davis. Mr. Davis. I have to have
17 you be quiet while I have Ms. Schwarz talk.

18 MS. SCHWARZ: So, that is why we're requesting that

19 Doctor Barnes to do it because he is the one who evaluated
20 Crystle. The evaluation that he received from -- or we
21 received via email last week, is there were no
22 recommendations at all relating to any services as it relates
23 to family counseling. It was just an evaluation with -- with
24 no recommendations. We need those recommendations. We think
25 Doctor Barnes would be an appropriate person to do that

OR ANY
OTHER
AGENCY

DENIED
ORDER

RONAN
NOT PART
OF THE ENTER
PRISE

HE DIED COURSE
CHOICE ENTERPRISE
OUTSIDE AGENCY

1 seeing that he's already evaluated Crystle. So, we suspect
 2 that Doctor Barnes, based upon his evaluation of Crystle,
 3 would recommend family counseling, but we wanted that second
 4 piece to be together so Doctor Barnes can make a well-
 5 rounded, well thought out evaluation of recommended services
 6 for this family to address the mental health issues that are
 recognized by everybody. WENDY WHO & WHO

8 THE COURT: I don't know that they are recognized
 9 by everybody. That's the issue. JUDGE THEY KNEW WENDY

10 MS. SCHWARZ: Well, yeah. Well, as far as Crystle
 11 is concerned and the family needs. CUT OUT TRANS

12 THE COURT: All right. And Doctor Barnes, I'm just
 13 looking back at Doctor Barnes' psychological evaluation of
 14 Crystle. Is she currently seeing an individual therapist? JUDGE

15 MS. SCHWARZ: My understanding is she is. I don't
 16 recall the name of that therapist right off the top of my
 17 head. PROS LIE WHY DID SHE NOT KNOW THIS

18 ROD MR. DAVIS: Katie.

19 MS. SCHWARZ: Katie Most. Excuse me.

20 JUDGE? THE COURT: Okay. Thank you. And as Guardian Ad
 21 Litem Ms. Howe, regarding the parent-agency treatment plan,
 22 looking at both these services for Crystle as well as for Mr.
 23 Davis, your recommendation?

24 MS. HOWE: Well, I -- I received this to look at
 25 while we were breaking as well. And I see it's dated November

11-7-18

CUT
OUT

7th, and that was my first attention factor there, is there
 doesn't appear to be -- Crystle is already participating in
individual therapy and the parent-agency treatment plan does
 not provide for family therapy which the court has already
 noted between Crystle and her father. And in addition to
 that I would need this treatment plan to be (modified to)
address concerns noted in my report regarding with the mother
as well for Crystle.

THE COURT: All right. Any services or changes Ms.
 Tomczyk on behalf of the mother? Any concerns?

MS. TOMCZYK: On the services, your Honor, I think,
 based on my review of the Guardian Ad Litem report, it
 appears that although parenting time is not going poorly that
 they may be assisted by some counseling which (we) would have
 no objection to.

THE COURT: Here is my suggestion. This is an old
parent-agency treatment plan. We've got Doctor Ronan's report

now and there are some questions about Doctor Barnes'
involvement. And I think Doctor Barnes and Doctor Ronan,
 they need to talk to figure out if that's even necessary
 really. I would suggest that we reschedule --

MR. GURUMURTHY: If I can interject when the
 Court's done?

THE COURT: Go ahead.

MR. GURUMURTHY: I'm just looking at both

DHSM
 BARE
 CLAWS

* 2X
 ENTERPRISE
 UNDER CONTRACT

WHAT

JUDGE OR PROSECUTOR

ENTERPRISE

THIS IS VERY IMPORTANT
CONTEMPT

1 psychological reports, Judge. Doctor Barnes states a
2 recommendation. I mean, you know, clearly a subparagraph
3 recommendation, it states he does this with DHHS, he
4 contracted with DHHS, he knows what they're looking for,
5 that's why it's written that way. If you look at Doctor
6 Ronan's, it's not a recommendation, but he has conclusion
7 saying, you know, again that it may be that participating in
8 mental health service to learn more about effective
9 strategies for managing chronic pain might be useful. It
10 goes into saying, you know, that Mr. Davis was rather
11 defensive on the measure of psychiatric symptoms. So, I mean,
12 it goes into what he may need so this doesn't list out, he
13 gonna need (A,B,C) and (D). But it's a paragraph of these things
14 could happens. So, and that is what I was going to suggest.
15 Maybe the two psychologists could discuss together as to and
16 put a plan together. This may give Doctor Ronan and again, an
17 option to look at Crystle's psychological evaluation as well.

18 I don't think both of them have looked at each other's.

19 THE COURT: All right. We're gonna reschedule dispo
20 to continue at a different day and time and so, we've got two

21 psychologists. I'm familiar with both of them. Both of them
22 do services for this so they're not unknown entities. And
23 certainly, they must -- it would be necessary for them to
24 speak. So, I will order for today that the Mr. Davis sign
25 any releases necessary so that Doctor Ronan and Doctor Barnes

56

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55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

ENTER
PLEASE
PROOF

DENIED
BY BARE

THIS IS
WHAT
JE BARE
DID NOT
WANT

NEVER
HAPPEND

BARE

DHS NEVER
DID THIS

CONTEMPT
BARE

RONAN & BARNES

JER HUNTER
RONAN FIRED HIS
DAD BARE

1 can communicate with one another. And then as I said, this
2 is an old parent-agency treatment plan and it's nice to have,
3 but I think we need to make some updates to it. Especially
4 with input from Crystle's current therapist as well as input
5 from Doctor Barnes and Doctor Ronan. So, let's make it a
6 little more detailed so that we're all on -- on track here.
7 It doesn't have to be more complicated just give us a little
8 bit better road map, so.

9 STILL ON JOB! In the meantime, placement will continue as
10 previously ordered, in light of the Guardian Ad Litem report,
11 is that your recommendation as well Ms. Howe?

12 MS. HOWE: That is my recommendation as well.

13 THE COURT: All right. And parenting time would
14 continue as previously ordered as well as between both (mother)
15 and (father) and (Crystle). But then we'll be back in a couple
16 weeks' time. So, this happens fairly quickly, so (both) of the
17 (parents know) DHHS is going to probably going to be
18 contacting you. Make sure you answer their telephone calls
19 and respond to them because we need to work together to come
20 up with an appropriate parent-agency treatment plan. And then
21 Doctor Ronan and Doctor Barnes need to be able to communicate

22 as well with the Department and so (those releases) would be
23 necessary.

24 MR. GURUMURTHY: And -- (and Judge,) I would simply
25 ask that there be an order that he get fuel cards and the

FEB 22 18

57

BARE DE FIDE
COURT ORDER
CONTEMPT

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Harrison, Michigan

1 appropriate financial assistance in making these things
 2 happens. There have been some issues in the past that the
 3 Department has given me (two) reasons. One is that he hasn't
 4 made any admissions. We're not ordered. We can't -- we can't
 5 help him. That's a valid answer. The other one is the gas
 6 cards are on a first come, first serve basis. They're
 7 already in and they're gone. We can't -- so we can give him
 8 rides. My client absolutely requests that he not be allowed
 9 or ordered to be a ride in the car with (DHHS). There have been
 10 statements made by the Department that they were intimidated
 11 by him, it doesn't make sense that if they were intimidated
 12 by him, to put him in a car, go off with someone from (DHHS) to
 13 drive him around. *BARE*

14 THE COURT: Well --

15 MR. GURUMURTHY: He doesn't feel that that's
 16 necessary either. If he can get the appropriate amounts of
 17 gas cards to get around and is financially helped, (it might
 18 be easier)

19 THE COURT: *PROS* Okay. So, (does) -- I'm not going to
 20 order that today, Mr. Davis I'm gonna order that you fill out
 21 a complete financial information statement to provide to (DHS)
 22 and the Court, so I can take a look at it. And I don't know
 23 that I would order what you're asking. You're not going to
 24 be able to manipulate people or threaten people to get them
 25 to do what you want. *WHO* It's not gonna work. So, if you -- if

*HWORR FOR DHS / THIS IS DUE
 J BARE PROSESS ?*

1 you can't get somewhere and you didn't get the gas card in
2 time, you're out of luck. Either you ride with them or get
3 there in line for a gas card.

4 MR. DAVIS: Obviously, she's taking their side of
5 the story now about all that.

6 THE COURT: So, at this point, I'm not gonna order
7 that of the Department --

8 MS. SCHWARZ: Thank you. *PROSECUTOR*

9 THE COURT: -- but I do need more information about
10 your finances because this issue keeps cropping up. And so,
11 you need to be very open and honest about what your assets
12 are, and we'll go from there.

13 MS. TOMCZYK: Your Honor? *WENDY LAWYER*

14 THE COURT: Yes, Ms. Tomczyk.

15 MS. TOMCZYK: If we could, we would, noting in the
16 Guardian Ad Litem report that my client is only getting one
17 hour of parenting time a week, I would ask that DHS try and
18 fit in more parenting time per the schedule. I think it's --

19 THE COURT: I'm -- thank you Ms. Tomczyk. I'm gonna
20 leave that to the Department's discretion right now. *BARRE* And
21 hopefully they'll have a discussion with Crystle's therapist
22 as well to see how or if that should be increased.

23 *JER BARRE* MS. TOMCZYK: Okay. *STOP*

24 MS. HOWE: And -- and as Guardian Ad Litem, on the
25 one hour, and I can understand the request for more time but

1 Crystle participates in the Tuesday and Thursday after school
2 tutoring and she's getting assistance with an additional
3 tutor on Friday now for math, as well as her counseling
4 sessions which she's taking part in. So, it might just be a
5 matter of trying to have --

6 ~~WAS THIS JUDGE~~ THE COURT: She's got a full plate and mom lives so
7 ~~PROB BARE~~ far away, that's my concern about order more time.
8 ~~ACUTE~~

9 MS. TOMCZYK: And -- and -- yes. I guess this is
10 just kind of a formal request to DHS to try and see if we can
11 ~~JOKE~~ work some -- some more time out ~~ENTERPRISE~~

12 THE COURT: All right. So, I'll leave that to the
13 discretion -- at the discretion of the Department. All right.

14 ~~ENTERPRISE~~ MS. SCHWARZ: Thank you, your Honor. ~~BARE~~
15 ~~ENTER~~

16 THE COURT: Thank you. Court's in recess.
17 ~~ENTERPRISE~~
18 BAILIFF: All rise.

19 (At 11:15 a.m., matter is recessed.)
20
21
22
23
24
25

DAY 382

1 STATE OF MICHIGAN)
2 COUNTY OF CLARE)
3

4 I certify that this transcript consisting of 61
5 pages is a complete, true, and correct transcript to the best
6 of my ability of the respondent father's motion in limine, *
7 (motion to seek) independent psychological evaluation and to
8 seek a second opinion of psychological evaluation, (motion to
9 strike) Department of Health and Human Services proposed
10 witness list and adjudicatory hearing held in this case at
11 the 55th Circuit Court-Family Division, Clare County, on
12 Thursday, February 22, 2018.
13

14 This transcript is only certified if the signature
15 below is original.
16

17 Date: 11-11-18

18 Josette Given CER 5277
19 55th Circuit Court-Family Division
20 225 West Main Street
21 P O Box 96
22 Harrison Michigan 48625
23 (989) 539-7109

365 382 DAY
17
382 LATER

WHY DID THIS TAKE 264 DAY
? ? ? ?

F 8
M 31
A 30
M 31
J 30
J 31
A 31

SEP 30
OCT 31
NOV 11
264
DAYS LATER

61

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

**Farwell High School
Farwell Area Early College
Timberland Alternative Education**

399 E. Michigan Avenue, Farwell MI 48622

www.farwellschools.net

989-588-9913 FHS/EC

989-588-7219 Timberland



Dee Yarger, Principal

Jakob Veith, Assistant Principal

Jason Dykstra, Athletic Director

Lynette Lentovich, Farwell Area Early College Director

Robert First, Timberland Dean of Education

District Mission Statement: Together with family and community, Farwell Area Schools will educate all students in a supportive environment, engaging them in learning through a variety of challenging experiences to ensure success in an ever-changing world.

September 14, 2017

Mr. Rodney Davis
9852 Cadillac Drive
Lake MI 47632

Dear Mr. Rodney Davis:

This letter is to verify action taken by the Farwell Area Schools that Mr. Rodney Davis is not allowed to enter upon Farwell Area School's grounds unless otherwise directed in writing by administration as a result of disorderly conduct on September 13, 2017 at the bus stop with the bus driver while in front of a bus full of students.

This no trespassing letter includes all school properties and all extracurricular events. If you have any questions, please feel free to contact me at 588-9917.

Sincerely,

Dr. Yarger, Ed.D.

Principal Farwell High School, Timberland Alternative Education, Farwell Area Early College

Cc: Farwell Area Schools Administration and Staff
Clare County Sheriff's Office

ROD DAVIS

CL 9 15 17

TALE MAYO 1-517-612-8422

CRYSTLE DAVIS TO PICK UP

Farwell High School
Farwell Area Early College
Timberland Alternative Education
399 E. Michigan Avenue, Farwell MI 48622
www.farwellschools.net
989-588-9913 FHS/EC
989-588-7219 Timberland



Dee Yarger, Principal
Tom Suggitt, Assistant Principal/Athletic Director
Lynette Lentovich, Farwell Area Early College Director
Robert First, Timberland Dean of Education

District Mission Statement: Together with family and community, Farwell Area Schools will educate all students in a supportive environment, engaging them in learning through a variety of challenging experiences to ensure success in an ever-changing world.

October 12, 2017

Mr. Davis,

Enclosed is a 15-day attendance letter along with a state accountability form to address Crystle's attendance at Farwell High School. At this time, we need the state accountability form filled out and sent back to Farwell High School or we will need to turn over truancy information to the Clare County prosecuting attorney's office.

Please fill out the form and return it by Friday, October 27th. *CRYSTLE WAS KIDNAPPED BY A SWAT TEAM BY J BARE LIE*

If you have any questions about this, please contact me at 989-588-9913

Sincerely, *WOULD NEVER BE AVAL TO JUDGE & SHERIFF*

Deanna Yarger
Dr. Deanna Yarger
Principal
Farwell High School

← WAS TOLD CRYSTLE NO LONGER ATTENDS FARWELL SCHOOLS

*SHE IS BEING HOME SCHOOLED
WHY HAVE YOU NOT FORWARD HER
RECORDS PER REQUEST & ANSWERD THEY
HAVE BEEN SEET*

LIE

TABLE OF CONTENTS

WITNESSES: PETITIONER
NONE

PAGE

WITNESSES: GUARDIAN AD LITEM
NONE

WITNESSES: RESPONDENT FATHER
NONE

EXHIBITS
NONE

INTRODUCED

ADMITTED

1 Harrison, Michigan.

2 Tuesday, March 20, 2018 - 10:05 a.m.

3 THE COURT: Calling the case of in the matter of
4 Crystle Davis. This is file number 17069NA. Would counsel
5 identify please?

6 MS. SCHWARZ: Thank you, your Honor. Chief
7 Assistant Prosecuting Attorney appearing on behalf of
8 petitioner, Eilisia Schwarz appearing on behalf of the
9 petitioner.

10 THE COURT: Thank you.

11 MS. HOWE: Annette Howe, Guardian Ad Litem
12 appearing on behalf of the child, Crystle Davis.

13 THE COURT: Thank you. And the Court will use the
14 last Guardian Ad Litem report because it was recent.

15 MS. HOWE: Thank you. And I've provided that to
16 the attorney for the respondent father as well.

17 THE COURT: Thank you, Ms. Howe. And Mr.
18 Gurumurthy?

19 MR. GURUMURTHY: And I've received that report as
20 well, Judge. I'm Ravi Gurumurthy on behalf of Mr. Rodney
21 Davis. He's here in the courtroom seated to my left.

22 THE COURT: Thank you. Mr. Davis, I'll have you
23 say your name please.

24 MR. DAVIS: Rodney Davis.

25 THE COURT: Thank you. And Ms. Schwarz?

1 MS. SCHWARZ: Thank you, your Honor. I do believe
2 that, again the court received the -- I guess it'd be the
3 updated parent-agency agreement and treatment plan dated 3-5-
4 2018. And I believe everybody has also received the court
5 report for -- that's also dated. Can I --- let me start over.
6 The parent-agency agreement and treatment plan and the court
7 report along with the psychological evaluation (inaudible).
8 I believe those last two things we were talking about at the
9 last hearing.

10 However, I wanted to provide the court an update on
11 the PATP. I know that after the last hearing, the court
12 wanted communication between Doctor Barnes and the evaluator
13 for Rodney Davis. And we are trying very hard to make that
14 progress happen. We have supplied releases to the respective
15 evaluators, so they can communicate with each other to set
16 forth a recommendation. Likely coming from Doctor Barnes as
17 it relates to, what does Crystle need services-wise to be
18 able to repair, rebuild, strengthen that bond between she and
19 her father. It's a slow progress because we're dealing with
20 two very busy people that is above and beyond the
21 psychological evaluation.

22 So, regretfully that's where we're at with number
23 one on the PATP. So, we left -- we left it as such on the
24 PATP. But other than that, that's where we're at with that.
25 We want the PATP ordered so that services can continue and

1 that they're court ordered for Rodney to participate in.

2 We would like to see Rodney participate in some
3 mental health services. And just medical services as well as
4 it relates to his health.

5 I am gathering together all of the reports that Mr.
6 Bear has provided. And I have to apologize, there's been a
7 little bit of snafu on -- on how to get those reports so
8 they're available for distribution. I have compiled those
9 reports and -- and summaries of the visits between Mr. Davis
10 and Crystle. I directed Dusty Merritt, out of my office to
11 put those together in one packet so they're all together and
12 bringing us up to date on the summaries that those -- those
13 visits -- those telephone conversations with dad, whether
14 they happened or didn't happen. So, the court has some
15 documents to review, specifically, coming from the person
16 who's doing the supervising in those visits.

17 Other than that, we're asking that the court
18 continue with this being a reunification case, that placement
19 continue. That services are ordered. Parenting time will be
20 within the discretion of the Department as far as it relates
21 to Rodney and Crystle. And I believe that's all we have as
22 far as updates that aren't contained in those documents
23 previously presented.

24 THE COURT: All right. Thank you. Ms. Howe?

25 MS. HOWE: Thank you, your Honor. I've reviewed

1 the parent-agency treatment plan provided, dated 3-5-2018 in
2 regards to Mr. Davis, and I do believe that that is
3 appropriate. However, parenting time is occurring by
4 telephone now and we have a person supervising and perhaps
5 that parenting time could be supervised by a therapist of
6 either one of Mr. Davis and of Crystle, 'cuz things tend to
7 get out of hand. But it doesn't appear that the supervisor of
8 the telephone visits is exercising any type of authority and
9 ending those discussions. But it could be productive if --
10 if there was the appropriate healthcare professional to
11 facilitate growth between the father and the daughter.

12 THE COURT: All right. Would you think that face-
13 to-face family therapy would be even better?

14 MS. HOWE: At this time without -- I have not seen
15 any type of mental health services that Mr. Davis has
16 participated in to help facilitate positive face-to-face. I
17 do believe --

18 THE COURT: So perhaps in the future that would be
19 appropriate?

20 MS. HOWE: Yes. I don't oppose it in the future. I
21 think we have to take positive steps. And the first positive
22 step would be through the verbal conversation. Because that
23 can easily be ended by hanging up the telephone. And maybe
24 they could learn from things that were negatives that ended
25 that telephone conversation.

1 THE COURT: All right. Mr. Gurumurthy?

2 MR. GURUMURTHY: Thank you, your Honor. You know,
3 I -- I don't think this parent-agency treatment plan is
4 appropriate. If I look at what admissions Mr. Davis made,
5 they don't reflect the parent-agency treatment. This is a
6 sandbagging backdoor way to get into what they want. This is
7 not the process of Probate Court. This is -- this is not the
8 process of a neglect nor abuse proceeding. You don't -- this
9 is -- this is the admissions that the Department drafted,
10 agreed to, and that's what we were stuck with. That's what
11 he made admissions to. The parent-agency treatment plan must
12 reflect what admissions were made. There is nothing in these
13 admissions, and I've read them numerous times, that go to,
14 Rodney Davis, mental health, Doctor Byron Barnes. Complete a
15 full psychological. He's done one. So, to have a second one
16 done is absurd. We've been here a month and it is hard for
17 me to sit here and believe that these two professionals,
18 Ronan and Associates and Doctor Barnes have not sat together
19 and discussed and -- and figured out a plan. So, now my
20 client is a month behind trying to figure out what else to
21 do.

22 Then, you have parenting time. He's willing to
23 participate in any parenting time. Again, the parenting time
24 over the phone is just absurd. The last time we were in
25 court, the court made is very clear. Six phone calls of

1 parenting time. This is just -- that was the court's order.
2 This has just gone further than that. It is longer than
3 that. There has to be face-to-face parenting time. I don't
4 give -- therapy supervisors or not, you have a mother with
5 her -- her boyfriend visiting and doing parenting time. The
6 report indicates he's creepy. He's got a picture of this
7 girl by his nightstand, in his wallet, telling this young
8 child about how he adores her pictures and looks at them.
9 This is creepy as hell and the Department allows this to
10 happen. They won't stop. Parenting time should be with the
11 parents and not some third party. I've indicated this to the
12 Department numerous times and -- and nothing gets done with
13 it. So, now you have Daryl, who shouldn't be there, is
14 participating in parenting times. The child indicates he's
15 creepy, I don't want him there. She cries about it and goes
16 on. But here, my client, who has raised these kids, he's got
17 two children. One for eighteen years that he's raised.
18 Crystle, thirteen years. Never been part of the system.
19 Never had to go to (inaudible) and now we have a problem.
20 So, again, if there's a problem, that problem needs to be
21 fixed. And needs to be looked at.

22 And then I look at paragraph three, sign all
23 requested releases. He's willing to do that if his
24 psychological -- his -- his psychologist and Doctor Barnes
25 have discussed and figure out a plan, he's indicated that at

1 the last hearing. I will sign any releases for those two to
2 communicate. Not for DHS to figure out and -- and put in
3 things in place as to how they need to communicate. That's
4 not the Department's job. So, that hasn't been done. He
5 hasn't been provided with any releases, at least that's what
6 he's indicated.

7 Again, medical health. He's taking care of his
8 medical health. This, you know, trials and court proceedings
9 are stressful, but to use the stress of going to court and
10 fighting to get your child by going through the loops that
11 the Department puts in, does not turn into, oh, you have
12 medical condition. So now you have to follow and do what we
13 want you to do medically. There's nothing in these
14 admissions that report he's medically incapable or medically
15 incapacitated to take care of his child. So, that shouldn't
16 be part of this.

17 Parenting skills. Again, parenting skills only
18 occur when the parent and child are together. They've kept
19 these parents, or at least my client who has been the primary
20 parent of this child for ten years plus, away from this
21 child. How do they expect parenting abilities and skills to
22 be developed? That makes no sense.

23 And then mental health. There is nothing in these
24 admissions that indicate that that mental health is a
25 necessity for -- for my client. I spoke to his other

1 daughter shortly before coming into court, Misty, and she
2 indicated that she was on the phone with Crystle yesterday
3 and Crystle again, go into an argument with Misty. So, it's
4 not just that it's my client who's starting the trouble and
5 getting into arguments, he's just being the parent. Maybe he
6 needs some direction to -- to understand how to deal with
7 Crystle -- Crystle's behaviors.

8 But he has all along indicated money is the issue.
9 And if being in poverty prevents him from providing that --
10 so, if this is what it takes is the court to order the
11 Department to assist financially in getting to these
12 services, then that's what we do. But to simply sit there
13 and say Mr. Davis is supposed to do all these things, that's
14 gonna fix Crystle and Mr. Davis's relationship, makes no
15 sense. That's not what is going on here Judge. You know, I
16 -- I, you know, I look back and I say now, I wish we had some
17 of the witnesses who would have testified, and that trial
18 would have happened because those witnesses, they were here.
19 I waited here that afternoon, I thanked them for coming and
20 they all indicated Rodney was nothing but a great father.
21 There are some issues. You know Rodney has his own problems,
22 he understands that. But he's a strong father to his kids
23 because he's raised these kids as a single father.

24 So, he wants his child home. He wants his child
25 with him. He wants to participate in the services with his

1 child. But not have the Department breathing down his neck to
2 have him do things he's already done. And then use his
3 poverty against him, saying well, you're too broke to do
4 this, so you can't do this.

5 So, I mean, that's what baffles me with this case.
6 This case is between is -- is reunification and building a
7 relationship between Crystle and the father and that's what
8 the focus is. This is not a focus in fixing Rodney Davis.
9 Along the way, Rodney Davis's relationship with his daughter
10 get's fixed. But it's not, let's fix Rodney Davis and that's
11 gonna fix this problem. That's not gonna happen. Because I
12 know Mr. Davis is not going to do that. He's gonna argue and
13 fight with the Department all along. Because the goal for
14 the Department is to just save Mr. Davis, not work on the
15 relationship that Mr. Davis and Crystle need to work on.
16 That's where the focus needs to be.

17 I was just told by my client, he got some
18 notification about prescription meds that -- that Crystle was
19 on but nobody gave him the notification. He found that out
20 through his Medicaid, through his insurance from the
21 pharmacy. So, again, if this is reunification, I don't if
22 this child is on medication or not, but he needs to know what
23 that medication is.

24 Again, I get these reports from the supervisor. I
25 have no idea who it is. I don't have a name. I get them a

1 day before the hearing. I don't have it signed and then when
2 I look at these -- these -- these supervisor's report, they
3 are -- I wish the supervisor would be here, so she could be
4 cross-examined because now these are not subjected to cross-
5 examination. They're one sided. Rodney said this. Rodney
6 said this. Why don't you put what Crystle responded? What
7 Crystle said. You know, it just is a one-time thing but
8 Rodney and Crystle arguing about -- about a friend, okay.

9 Again, Rodney is trying to discuss with his child
10 about parenting. Now, they might be a different way to do
11 it, but that's what the focus needs to be. So, I don't agree
12 with this parent-agency treatment plan. What I would suggest
13 is that the two psychologists get together and figure out how
14 these two individuals can be in the same room and work on a
15 relationship. This is what this child is used to for thirteen
16 years. Mr. Davis, I'm assuming he's in his fifties, or more,
17 I don't know. But he is being the same way. It's not going
18 to change. What's going to change is how they deal with the
19 situation they're in. That's where the focus is. Asking
20 somebody to change, I've been listening, Misty has no problem
21 with her father. She's sitting outside. She doesn't want to
22 be here in court today because she's afraid that the
23 Department's gonna take her away now. She's sitting right
24 outside, and I spoke to her. But her understanding of why
25 Crystle does not want to come home is because Misty's home,

the two kids fight, if Misty was to leave, Crystle would be fine coming home.

So, again, I don't know where this is, but I have one child that reports completely different behaviors with her father and completely different behavior about her sibling. And then I get these reports and it's completely different. So, and then I get this parent-agency treatment plan that is nothing to do with the admissions that are made. They are not a mirror image. They should be a mirror image of what these admissions are. They are not. So, that's all I have for the court, Judge.

THE COURT: All right. Thank you. So, turning first to, what I don't want to have become a red herring, which easily could. I don't know who this supervisor is, but I hope that the Department is flabbergasted by these reports. I hope the Department has read these reports and thought, who have we hired to supervise this. This is horrible. It is bizarre. And so, only the parents are to have contact with Crystle. Only the parents. Nobody else. And this, I would strongly suggest to the Department that they get somebody else to supervise this. These phone calls are strange. They're strange between the father and the daughter in a contentious way. They've grown up -- or these girls have grown up, Crystle specifically fighting with dad and dad fights with everybody. So, I kind of get dad and Crystle's

1 phone calls. But these interactions with mom and the
 2 boyfriend are weird. And so those have got to stop. Those
 3 are just strange. And I think the Department has placed
 4 Crystle in a very tenuous and dangerous position. Reading --
 5 just reading these lead to that conclusion. So, I hope the
 6 Department has some sense of what I'm saying.

7 As for the parent-agency treatment plan. At
 8 disposition, the court can take into consideration,
 9 everything. Not just admissions, but everything. Hearsay
 10 and everything. So, Mr. Davis, your behavior in the
 11 courtroom can be observed by me as well. So, as far as the
 12 parent-agency treatment plan, I'm gonna order this --

13 MR. GURUMURTHY: And Judge, just for the record,
 14 he's already done a psychological. So, we were --

15 THE COURT: I know. It was a psychological --

16 MR. DAVIS: I want to say something.

17 WHY THE COURT: No. You don't get to say anything
 18 right now sir. The psychological that was done by his hired
 19 professional without any recommendations. So, I am going to
 20 order the psychological evaluation with Doctor Barnes So, I

21 have consistency amongst all of the families with
 22 psychological's. So, I can have recommendations as well.

23 Parenting time will continue to be ordered at the discretion
 24 at DHHS and whether it's supervised or unsupervised. And Mr. ^{SAME AS 3}

25 Davis will sign all releases so that documentation can be

NEVER GOT RELEASES

J BARE
CONTENT

14

Josette Given
 Certified Electronic Recorder
 55th Judicial Circuit Court - Family Division
 17th Judicial District Probate Court
 Harrison, Michigan

NO
CHANGE

WHY
ENTER
PLEASE
NO

WHAT THE HELL IS THIS

provided. I'm not gonna order the health screen at this time. I am going to order the parenting education class.

And I'm not going to order mental health pending Doctor Barnes' report because I have Doctor Ronan's report. So, I need to balance those out.

So, we'll continue to look at the parent-agency treatment plan. But this is a reunification case. We are dealing with a teenager who is familiar, obviously, with her father. He's been the primary caregiver. And so, the dam's gonna have to break here. And there's gonna have to be some contact between the father and the daughter. And most likely through some type of therapy session to start with so that they can both be somewhat contained. But hopefully Doctor Barnes gives us some better insight as well as to Mr. Davis and then we can use that along with the psychological of Crystle to get this moving. But this case needs to pick up some steam and start moving forward faster.

But Mr. Davis, a lot of that depends on you as well. So, you have the capacity to make this go a little more quickly through your willingness to participate in services that have been ordered. So, I'm gonna ask that Doctor Barnes provide the court and DHHS information within the next 60 days. We need the psychological done and some recommendations done because this is just stalling out. And I know that it'll become longer and longer if we leave it

EQUITY
 11/12/13 14 15/16 17

ENTERPRISE

DAVIS
 BARNES

M/H
 DHHS

ENTERPRISE

ENTERPRISE

PROF

JUDGE
 JUDGE
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 *SWAT
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 THE MIDDLE
 OF THE RIT

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 ARE
 A PART OF
 THIS

open ended. So, I'm gonna say 60 days for that psychological and all recommendations to be provided. As well as that interaction between other therapists and Doctor Barnes so that we can make some headway. Anything further Ms. Schwarz?

MS. SCHWARZ: No, thank you.

THE COURT: And Ms. Howe?

MS. HOWE: No, your Honor.

THE COURT: And Mr. Gurumurthy?

MR. GURUMURTHY: Yes, your Honor. We would simply

again, but I would renew my previous motion. Then we should have a independent evaluation of Crystle. You know, Doctor

Barnes is hired by the Department. And I don't know if that has any weight or not. But my suggestion is, both -- if --

if -- if Mr. Davis has to get a second psychological, let's go find a different person and let's have the two of them at

a different psychologist and get that done through a different psychologist.

THE COURT: I'm not gonna order it. You have no

idea sir the trauma that you are willing to put your child through. And I'm not gonna be part of it. So, I'm not gonna

order another psychological evaluation. We are causing trauma to this kid more so than is necessary. So, we need to

stop that and I'm gonna stop that by not continuing to order it into services and therapy and psychologist. Enough's

enough. We have an initial parent-agency treatment plan.

I DEMANDED TO A OUT OF
 ENTERPRISE

16

Josette Given
 Certified Electronic Recorder
 55th Judicial Circuit Court - Family Division
 17th Judicial District Probate Court
 Harrison, Michigan

ALL SHE WANTS
 FOR HER
 ENTERPRISE

11/17/2017 18:34 4682479

BARNES

PAGE 80/100

Byron D. Barnes, Ph.D.
1204 W. Division
Cadillac, MI 49601
(231) 429-3757

November 14th, 2017**PSYCHOLOGICAL EVALUATION**

Patient's Name: Crystle Davis
Date of Birth: January 22nd, 2004
Dates of Evaluation: October 31st, 2017
Age: 13
Referral Source: Michigan Department of Health and Human Services

REASON FOR REFERRAL: An evaluation was requested to provide information that would be useful in the diagnosis, treatment, and placement of Crystle, if needed.

CHIEF COMPLAINT: Crystle Davis is a 13 year-old adolescent female who reports that there is current CPS involvement. She notes that she is being evaluated because "they might think I'm crazy. CPS became involved about two weeks ago. My sister went to the hospital because she was having seizures. He (father) wouldn't say they could treat her. He don't like hospitals. My daddy is usually abusive to me: yells, screams, and calls me every word in the book – slut, bitch, whore, no good, and worthless. He repeats it over and over, daily. I'm afraid of my father when he is angry. He's like a toddler, running and screaming, and throwing a temper tantrum basically. One time he pushed me down and I fell. One time he drug me out to the car by my hair and had me sit there for a while. He hit me with a fly swatter five times on my back. He left bruises with the fly swatter. There was a big welt on my head from the hair-pulling. The physical abuse occurs about once a month. Sometimes he punches me on the arm. I put my hands up over my head." Crystle reports the presence of intrusive recollections. She reports the presence of triggers. She reports an increase in heart rate when frightened. Crystle also reports an increase in autonomic arousal secondary to triggers. She adds that she hyperventilates. Crystle notes that she is fearful, anxious, and concerned about safety. She notes that her father has been verbally abusive "since I can remember. He blows up daily."

Crystle denies a history of sexual abuse as a child. She denies that she has been touched inappropriately.

Crystle does report a history of physical abuse, as noted. She states, "He broke my mirror. It was huge. It was one time. He broke a coffee table. He slammed something down on it. He ripped off my door and my sister's door. He throws things. He hits things. He punches holes in the hallway. Maybe five times he's punched holes. He is unstable and angry." Crystle reports posttraumatic stress symptoms secondary to the physical abuse. Crystle notes that she is distressed about the circumstances within her home. She explains that she has no wish to return home. She adds that she does not want to ever return home.

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BARNES

Child Behavior Checklist: Respondent-Foster Mother:Elevations at the 95th Percentile

None

Elevations at the 98th Percentile

None

INTERPRETATION OF TEST RESULTS: Intellectually, Crystle is functioning on the very upper end of the Average Range. She is a bright individual with good intellectual capacity. She possesses the necessary intellectual ability to make use of clinical services and to be a reliable informant.

Academically, Crystle is functioning within the Average Range in basic skills. Both her reading and math scores fall within the Average Range. She is reading at a 7.5 grade level and completing math at a 6.9 grade level. There are no apparent indications of learning disabilities in reading or math.

Crystle achieved a standard score of 101 on the Developmental Test of Visual-Motor Integration. This score falls within the Average Range and reflects intact visual-motor integration skills. There are no apparent indications of gross neuropsychological deficits or severe organic impairment.

Emotionally, according to the Child Behavior Checklist that was completed by Crystle's foster mother, suggests that she perceives that Crystle is making a stable adjustment. There were no clinical elevations on this measure at either the 95th or 98th percentiles.

Emotionally, Crystle appears to be moderately distressed. The data is very consistent with the history provided. There are clear indications of anxiety and depression, likely in response to emotional trauma within the home environment. Crystle notes on the House-Tree-Person that the human figure is a super hero with big arms. Such responses are characteristic of individuals who have been exposed to trauma and wish to protect themselves. Crystle also notes that a bad guy has hurt the human figure. Her drawing of a tree depicts a Willow tree, an indication of dysphoria. Crystle notes that the tree has been hurt. Part of the tree is dead. Termites ate the tree. Crystle depicts the presence of windy weather in her drawings, an indication of stress. Crystle notes on the House-Tree-Person that she would like to live with a friend in the house that she drew, not her family. Likewise, her drawing of a house depicts a door without a doorknob, suggesting limited access. On the Incomplete Sentences she states, "What I want more than anything is...for my life to change," "My daddy is...a jerk," "I sure wish my father would...change completely," "I like my father but...he's verbally abusive," and "My family treats me like...crap." One of her three wishes is to choose her life. TAT stories also depict themes of distress. One story describes a main character named Henry. He went to a yard sale. He purchased a violin. It is a little broken. He painted it. Now he feels confused because he does not know how to play the violin. He does not know how. He gives the violin away. Another story describes a girl named Anna. She lives in the 1700s. She wanted to learn. They want her to be a farmer. They do not agree. She decides to leave and have a better life. The mother is disappointed. The brother is sad. The main character is sad. Another story describes a main character that went to jail. It is an insane asylum. She is concerned. She is so depressed that she is crippled by her

Crystle notes that she feels sad and depressed due to the problems at home (tearful). She denies a history of suicidal ideation, suicidal gestures, and self-abusive behavior. Crystle denies that she feels hopeless and helpless. She reports low self-esteem but denies that she feels useless or worthless. She reports occasional guilt. She also reports an occasional sense of impending doom. Crystle notes that she is having crying spells once a month. Crystle notes that her appetite is good. Her sleep is good. She adds that her energy is good. Crystle notes that her memory is great. She has occasional difficulty concentrating and is occasionally distracted.

Crystle denies a history of behavioral difficulties. She notes that she is occasionally late to class. Otherwise, she denies a history of acting out. She denies a history of physical fighting, vandalism, destruction of property, playing with matches, setting fires, and teasing/cruelty to animals. She also denies a history of stealing, gang involvement, running away from home, sneaking out at night, and school truancy.

Crystle denies a history of alcohol use. She categorically denies a history of all alcohol experimentation and use.

Crystle denies a history of drug use. She categorically denies a history of all drug experimentation and use.

Crystle's foster mother notes that Crystle was placed with them on Wednesday, October 25th. She notes that Crystle is making a stable adjustment. She notes that Crystle likes to spend time with her friends. She also would like to visit Ruth, an adult friend. There are no reported indications of suicidal ideation, suicidal gestures, or self-abusive behavior. Crystle's foster mother notes that her appetite is good. She is uncertain regarding her Crystle's patterns. She denies having any specific issues or concerns about Crystle. She notes that she is well behaved and has been compliant since placed with them.

DEVELOPMENTAL/PERSONAL HISTORY: Crystle notes, to the best of her knowledge, that her mother did not experience any significant complications with her during the pregnancy or at the time of delivery. Her mother reportedly smoked cigarettes during the pregnancy. Crystle is reported to have progressed through the developmental milestones within normal limits. There is no reported history of enuresis or encopresis.

Crystle previously had been living with her father, Rodney Davis, age 63. Her sister, Misty Davis, age 17, is now living with her boyfriend. She reportedly experienced the same kinds of events while living with their father. Crystle's father reportedly is disabled. Crystle notes that he has been disabled for a long time. She notes that she cannot remember him working. Crystle notes that she is in the 8th grade. She is in regular education classes. She takes 9th grade health.

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BARNES

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MEDICAL HISTORY: Crystle reportedly fractured her left femur in the 3rd grade. She has no other history of serious injuries, loss of consciousness, or seizures. She had surgery on her leg. She has no other history of surgery. Crystle has no history of serious illnesses. She was hospitalized for a week with the leg injury. She denies a history of other overnight hospitalizations.

Crystle denies a previous history of psychiatric evaluation and treatment. She is not participating in counseling. She believes that there is an undiagnosed family history of psychiatric difficulties, specifically with her father. She notes that there is a family history of alcoholism.

TESTS ADMINISTERED: Wechsler Abbreviated Scale of Intelligence – 2nd Edition, Wide Range Achievement Test – 4th Revision, Developmental Test of Visual-Motor Integration – 6th Revision, Child Behavior Checklist: Respondent-Foster Mother, Thematic Apperception Test, Incomplete Sentences, House-Tree-Person with Protocol, and Kinetic Family Drawing. Additionally, Crystle was interviewed; her foster mother was interviewed, and available records were reviewed.

TESTS OBSERVATIONS: Crystle presented for testing neatly groomed and attired. She is of average height and build. The nature and purpose of the psychological evaluation was discussed, the inherent limitations to confidentiality were reviewed, issues pertaining to evaluating multiple parties were discussed, and Crystle's conservator provided written consent for her to participate in the evaluation. She was cooperative, compliant, and readily engaged throughout the assessment process. She appeared to work diligently on the administered tests, and the results are therefore believed to be a valid indicator of her current functioning.

TEST RESULTS:

WASI-II Results:

<u>Verbal Tests</u>	<u>T Scores</u>	<u>Performance Tests</u>	<u>T Scores</u>
Vocabulary	63	Matrix	47

Full Scale IQ 109

Wide Range Achievement Test – 4th Revision:

<u>Academic Area</u>	<u>Standard Score</u>	<u>Grade Score</u>
Reading	100	7.5
Math	97	6.9

Developmental Test of Visual-Motor Integration:

<u>Standard Score</u>	<u>Percentile</u>
101	53 rd

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BARNES

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depression. She cannot get up. She fell to the side and she is just lying there. She is depressed. Another story describes this man who just killed his wife. He is feeling bad. He is walking away. He murdered her. He feels guilty. He gets caught. She is dead. Another story describes the main character who is looking out a window. He decides that the only way to get out of these issues is to leave. He is wondering what will happen to him. He feels longing and sadness. He leaves and has a successful life. Crystle is distressed. She has been exposed to verbal abuse. The emotional abuse has created emotional injury. There are clear indications of depression and posttraumatic stress.

Crystle's reality testing appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

CONCLUSIONS: Crystle Davis is a 13 year-old adolescent female whose intellectual functioning falls within the Average Range. She possesses good intellectual capacity. She possesses the necessary intellectual ability to make use of clinical services. Crystle's academic achievement in basic skills falls within the Average Range. Both her reading and math scores fall within the Average Range. There are no apparent indications of learning disabilities in reading or math. Crystle's visual-motor integration capacities appear to be intact. There are no apparent indications of gross neuropsychological deficits or severe organic impairment. Her reality testing also appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

Emotionally, Crystle appears to be moderately distressed. The data suggests that she is anxious and depressed. She is worried about her safety. She is concerned about the ongoing problems that have occurred within her home. She shows clear indications of posttraumatic stress and recurrent depression secondary to emotional within the home environment. There are clear indications of emotional injury in the data. Crystle is having a difficult time. She appears to be an appropriate adolescent. She finds the circumstances in her home with her father to be disconcerting, hurtful, and harmful.

DIAGNOSTIC IMPRESSIONS:

Axis I: Post Traumatic Stress Disorder
Depression, NOS
Emotional Abuse of a Child

Axis II: No diagnosis

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BARNES


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RECOMMENDATIONS:

1. Continued placement is indicated.
2. Individual therapy services are recommended. Crystle needs an opportunity to process and work through the trauma to which she has been exposed.
3. The appropriateness of visitation with her father is deferred to her individual therapist.
4. The need for psychotropic medication also is deferred to her individual therapist.

Thank you for the opportunity to have participated in this individual's evaluation.

Sincerely,


Byron D. Barnes, Ph.D.
Licensed Psychologist

COPY X(4)

Well alot has happened First off I didnt
end up going to Ohio instead im being home
schooled in Cardiac year! ~~etc etc~~

& there is ~~no~~ ~~core~~ people I am going to a
festival tomorrow w/ Floyd (11) I cant wait
he's my Best friend (11) & maybe he feels something
more but I kinda do but I cant cause hes
to good of a friend. but you never know
So wait until tomorrow!

Well Floyd came & me in him had a
romantic time on the fair/petting zoo he
bought me a pumpkin & a pumpkin I
Floyd's dog name said & then we went
to dinner & had out at his place
after & when my dad was talking we
had a walk in the woods & then he
kissed me Mr. Floyd & I
kissed (11) At that point I was
happy that was the end

COPY (OCT 18) CPS AT RUTH HOUSE
X 4 SAME DAY

5) me & [unclear] are fashion designers
No Socks. HOW DID THIS HAPPEN

6) Ruth has been filing out emergency
Postcard Care papers so I can live w/ her

7) I'm gonna win this Custom Center
CHURCH HALLOWEEN PARTY

8) I got insurgent (11) can't wait
to read it SOME STORY

9) After having w/ Ruth I figured out
I miss Judged her If your reading
this I'm so sorry you the best mother
I'll ever have & I hope you don't doubt that
ever

10) I have to go to a Support gr
w/ [unclear] & have mixed feelings a
bout

11) my Sisters coming back year! (that
was def i nally Sarcasm)!

BEEN BACK!

Now thanks to the lil bitch I am

1) leaving all my friends

2) leaving the State



3) leaving behind Liam, Cameron, Lunden, Kateb, Other Cam
My Sister, Mr teachers, & everyone iu ever know

I'm moving in with Mary Lynn who BTW
in Ohio & my going away party's to

(II)

Ok

SAT GOING AWAY PARTY

CRYSTLE WENT TO LUCKY HORN WITH
ALEXAS CALL MOM TO PICK UP MELISSA SCARED OF F

LAWREN MAD — NO FIRE 102° NO BS

JENNIFER
MOM PU LAR CALL HER A LITTLE BITCH

I woke up got ready (which included 5)

1) Brushing my little man's teeth

2) Brushing my hair

3) Straighten my hair

4) Put eye liner & Mascara on

then after that I got dressed & locked sleeping & got in the car & we drove the long way when a friend

~~POPPED~~ In my head & I asked my father if we could pick up

Brec he said ok so we drove there & picked her up then went to a Tasty's & it was AWESOME I saw a puppet show & went on a AWESOME hay ride & spent the whole day being a kid again. We went to a park & playground ate a BUNCH OF candy & then we ate dinner & I had to let my Bessie in the whole wide world go & then I came home & had see if my myself parties were I put on a dress & possibly came but I knew it's stop but it's fun so yeah & now I asked for the 3 day voice in cleveland w/10th so I'm go to bed & also remember will probably be at church

ORDER AFTER PRELIMINARY HEARING (CHILD PROTECTIVE PROCEEDINGS) (9/16) Page 5
ORDER ____ OF ____

Case No. 17000069-NA

THE COURT ORDERS THE PETITIONER/DHHS TO PROVIDE NOTICE OF EACH HEARING PURSUANT TO MCR 3.921 TO THE FOLLOWING PERSONS: THE FOSTER PARENTS, PRE-ADOPTIVE PARENTS, AND RELATIVE CAREGIVERS OF A CHILD IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE STATE, AND FOR ANY INDIAN CHILD, THE CHILD'S TRIBE AND, IF THE TRIBE IS UNKNOWN, THE SECRETARY OF THE INTERIOR, AND THE CHILD'S PARENTS OR INDIAN CUSTODY, AND IF UNKNOWN, THE SECRETARY OF THE INTERIOR.

PLACEMENT AT DHHS DISCRETION. FATHER MAY HAVE WRITTEN OR TELEPHONE COMMUNICATION WITH CHILD AT DHHS DISCRETION.

FATHER NOT TO DISCUSS CASE WITH MOTHER AT MOTHER'S REQUEST.

HUSBAND

WIFE WIFE LAWYER

Recommended by:

Referee Signature

Date

ite

JUDGE MARCY A. KLAUS

59564
Bar No.

3/18

EXAMINATION AUTHORIZATION/INVOICE FOR SERVICES

B. STATE OF MICHIGAN DEPARTMENT OF HUMAN SERVICES LOCAL OFFICE ADDRESS

6. PROVIDER/VENDOR ADDRESS

BYRON D. BARNES PH.D.
520 CEDAR ST.

CADILLAC MI 49601

1. INVOICE NUMBER

2. Canceled-Void Invoice

3. Missed Appt. (not paid)

4. Date of Service (Authorization Date)

7. INSTRUCTIONS TO PROVIDER/VENDOR: Notify DHS at once if patient(s) fails to appear. Missed appointments and unauthorized tests will not be covered. Retain a copy of this invoice, with the Invoice Number in Item 1, for payment reconciliation. Provider/Vendor completes Item 13 for no more than 2 different services for the patient indicated. A separate invoice must be completed if more than 2 services are needed or if services for a patient differ from those indicated in Item 10. Provider/Vendor may also enter the Patient Account number in Item 14 for each patient. Amounts billed for the items listed in Item 10 must be the lower of either the DHS Fee Schedule Maximum, Item 12 (page 2), or your usual, customary and reasonable charge for the service.

I certify the goods/services shown below were provided and that I did not and will not make any charge or accept any payment from the client or his family for the services provided on this authorization. I further certify that all services were rendered without regard to any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. Return signed Provider/Vendor invoice with the DHS-93, or the signed DHS-93, with your report to the address in Item 5 above.

8. PROVIDER/VENDOR TO COMPLETE

a. FE ID No. Do not use Provider No.

b. Soc. Sec. No. Do not use Provider No.

c. MAIN Mail Code

d. Provider/Vendor Phone Number

52108 7819

231 829 3757

e. Payee Name corresponding to FE ID No. (if other than above)

f. Billing Address (if other than 6 above)

g. Provider/Vendor Signature

h. Date Signed

2-25-18

9. SERVICE WORKER TO COMPLETE (Patient/Resident information on next name)

a. Grantee Name (Client Name if not grantee)

b. Case Number

c. County

d. District

e. Section

f. Unit

g. Worker

h. Provider/Vendor Name

i. Provider/Vendor Number (not FE ID or SSN)

j. Service Worker Name

k. Service Worker Phone Number

10. DESCRIPTION OF SERVICES AUTHORIZED

a. Children's Foster Care (CFC), Child Protective Services (CPS),
Juvenile Justice Services (JJS) and Preventive Services for Families (PSF)

☐ Medical ☐ Psychiatric ☐ Substance Abuse Screening and Assessment
☐ Child Sexual Abuse Exam ☐ JJS Blood Drawing for DNA Gene Coding
☐ Psychological ☐ CPS Second Opinion

d. Medical Exam Report Completed from Existing Records

☐ APS
☐ JJS☐ CFC
☐ PSF☒ CPS

e. Other (Specify below)

☐ APS
☐ JJS☐ CFC
☐ PSF☐ CPS

Explain:

b. ☐ APS ☐ CFC ☒ CPS ☐ JJS ☐ PSF☐ Photostat Copies of Existing Medical Records - VENDOR SPECIFY NUMBER OF COPIES

c. Adult Protective Services:

☐ Medical ☐ Psychological ☐ Geriatric Assessment

11. Service Worker to complete upon return from Provider/Vendor

a. Service Worker Approval - Requested Reports Received ☐ Yes

b. Date:

c. Service Worker Signature

d. Date

e. Supervisor Signature

f. Date

Department of Human Services (DHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

AUTHORITY: F.A. 280 of 1939, Federal CFR, and 49 CFR.
COMPLETION: Mandatory.

PENALTY: Department is unable to pay for medical services and materials.

DISTRIBUTION:

Original to Provider/Vendor
Original to Local Fiscal Office after return from Provider/Vendor
Case Record Copy

EXAMINATION AUTHORIZATION/INVOICE FOR SERVICES

12. FEE SCHEDULE MAXIMUM				13. PROVIDER/VENDOR COMPLETE AMOUNT BILLED			
Service	Exceeds Fee	Yes	No	Service	Exceeds Fee	Yes	No
1	Schedule Maximum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Schedule Maximum	<input type="checkbox"/>	<input type="checkbox"/>
	Of				Of		
				Service 1 \$500.00			
				Service 2			

14. Patient/Recipient Information							
a. Patient/Recipient Name				b. Recipient ID Number		c. Invoice Number	
d. Patient Account Number							
e. Program Pay Code:		f. Reason Code:		g. Service Code:		h. Transaction Number:	
1.	2.	1.	2.	1.	2.		

WHY DID THIS EXCEED FEE

RONAN \$350

WENDY SP SYR EVAL

02/27/2018 12:35

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BARNES

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Wendy does appear to possess warm, nurturing feelings for her children. On the Incomplete Sentences she states, "I want to know...my kids are better," "I regret...leaving my children," "I suffer...not having my children," "I secretly...love to be with my kids," and "My greatest worry is...my children." It seems likely that Wendy has stayed away from these circumstances due to her fear and anxiety about the children's father. She reports a history of domestic violence. Her level of cognitive functioning likely places her in a vulnerable position and increases her risk for harm. ~~REVENGE WHORE LIES COHURST BY BARE~~ ~~SHE GOT EACH CHAT~~

Wendy's reality testing appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes. ~~RETARDED BI POLER~~ ~~MEDS 30 YRS~~

CONCLUSIONS: Wendy Davis is a 46 year-old woman whose intellectual functioning falls within the Mild Range of Mental Retardation. Her Verbal, Performance, and Full Scale IQs all fall within the Mild to Moderate Ranges of Mental Retardation. There are clear indications of cognitive impairment. These deficits likely negatively contribute to her ability to provide adequate care to children over time. Wendy's academic skills fall within the Mild Range of Mental Retardation as well. Her reading and math scores fall within the Mild Range of Mental Retardation. She is reading at a 3.2 grade level and completing math at a 2.7 grade level. These findings are consistent with cognitive impairment. Wendy's visual-motor integration capacities appear to be moderately impaired, consistent with cognitive impairment. Her visual-motor integration skills are impaired. Wendy's reality testing also appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

Emotionally, Wendy appears to be moderately distressed. The data suggests that she is anxious, fearful, and concerned about her safety. She also experiences consequential depression secondary to the posttraumatic stress. She notes that she has been diagnosed with bipolar disorder. The data appears more consistent with a major depressive response. It would be prudent to follow her over time. She has found the medication she is taking to be helpful. It would be beneficial for her to continue on those medications. It seems likely that the recent CPS involvement and requirements that she interact with the children's father has exacerbated or triggered an increase in posttraumatic stress symptoms. She reports a significant history of domestic violence while living with Rodney. She is clearly afraid of him. She is concerned about her safety. She very well may have stayed away from her children due to this fearfulness.

DIAGNOSTIC IMPRESSIONS:

Axis I: Post Traumatic Stress Disorder - Chronic
Major Depression - Recurrent - Moderate
R/O Bipolar Disorder, Type II

Axis II: Mild Mental Retardation

JER BARE SHE SAYS THIS OF EVERYONE
KNEW THIS COURT PROOF
THEN HAD HER

SIGN CONSENT FOR CRY DRUGS

ATTORNEY

SHE'S NOT SEEN FOR 10 YRS

LIE

SHE LIVES WITH MEN

RIGHT

RETARDED BI POLER

ON DRUGS

MOM BI POLER

ON DRUGS

SAME AS

AY

COOPER DICK

EVERYTHING

THE DR SAYS

10 YRS OF GUILT

LIVING WITH

ANOTHER MAN

MAN

THEN HAD HER

SIGN CONSENT

FOR CRY DRUGS

EVERY DAY IS

DIFFERENT

SHE HAD

IT BEFORE

TRY SUSHI

ON IT

SAY SHE

TAKES IT

BUT DON'T

TEST THAT

POWER

OF

ATTORNEY

13 YR OLD

EVERY DAY IS

DIFFERENT

STATE OF MICHIGAN
COUNTY OF CLARE
55TH CIRCUIT COURT-FAMILY DIVISION

IN THE MATTER OF:
Davis, Crystal 01/22/2004

Hon. Marcy A. Klaus
17-069-NA

Eilisia Schwarz (P66350)
Clare County Chief Assistant Prosecutor
225 W. Main Street, P.O. Box 586
Harrison, MI 48625
989-539-9831

Clare County 55th Circuit Court
Family Division
225 W. Main Street PO Box 96
Harrison, Michigan 48625
989-539-7109

Karyn Tomczyk (P76403)
PO Box 362
Gladwin, Michigan 48624
989-426-8535
Attorneytomczyk@gmail.com

Annette Howe (P67491)
PO Box 3
Beaverton, Michigan 48612
989-429-7218
annettehowe@sbcglobal.net

Ravi Gurumurthy (P78368)
PO Box 1014
Cadillac, Michigan 49601
231-577-4822
ravi@michiganlawnorth.com

3³ 618
DAY/20

PROOF OF SERVICE


STATE OF MICHIGAN)

COUNTY OF CLARE)

) ss

Dusty D Merritt, being duly sworn, deposes and says that she is the secretary for Clare County Chief Assistant Prosecuting Attorney, Eilisia Schwarz, and that on or about the 6th day of March 2018, she personally served a copy of the Psychological Evaluation for Wendy and the Court Report dated 03-05-2018 by email to the above email address for the Attorney of record on this case from my email merritt@clareco.net and personally served a copy to the 55th Circuit Court Family-Division.

DATED: March 6, 2018


Dusty D. Merritt

(E) WHAT
JUDGE SAID NO!
NOT PROPER

Michelle Ambrozaitis
Clare County Prosecuting Attorney
225 W. Main, P.O. Box 586
Harrison, Michigan 48625
Telephone: (989) 539-9831




FAMILY TEAM MEETING REPORT

Michigan Department of Health and Human Services

Demographics

Case Name: <i>DAVIS, Rodney</i>	Case ID:	Special Needs: <input type="checkbox"/> YES <input type="checkbox"/> No Please Describe Special Needs:
Race/Ethnicity: Choose an item.	Native American Affiliation: <input type="checkbox"/> Yes <input type="checkbox"/> No Tribe:	
Youth's Name and Child(ren)'s Person ID#:	Youth's DOB:	
Case Opening Date:	Is youth YAVFC? <input type="checkbox"/> YES <input type="checkbox"/> No Initial Removal Date:	Is Youth placed in residential: <input type="checkbox"/> YES <input type="checkbox"/> No Security Needs: <input type="checkbox"/> YES <input type="checkbox"/> No Please Describe Security Needs:
Initial Petition Date:	Mandatory Petition: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Worker Name:	Worker Phone Number:	Worker Load Number:

FTM Information

Date/Time FTM request initiated: <i>11/3/17 1pm</i>	Date of Pre-Meeting Discussion:	Facilitated by Case Manager: <input type="checkbox"/> YES <input type="checkbox"/> No If no, name of facilitator:
Suggested meeting date/time:	Date Meeting Scheduled:	If meeting is facilitated by someone other than the Case Manager, please document justification here:
Meeting Location: Choose an item. Identify Other location:	Location Address:	Signature of supervisor approving another facilitator:
FTM Type 1: Choose an item.	FTM Type 2 Choose an item.	FTM Type 3 Choose an item.
Agenda Items as Identified at the Pre-Meeting Discussion: <i>Services - Psych eval, Parenting time, appropriate conversations during visits, Strengths, Funding paper work, DHS 120 Native Paperwork, trauma checklist</i>		
Participants as identified at the Pre-Meeting Discussion: 		

FAMILY TEAM MEETING REPORT
Michigan Department of Health and Human Services

Case Name: <u>Davis, Rodney</u>	Case ID: _____	Date & time of FTM: <u>11/3/17 1³⁰pm</u>
---------------------------------	----------------	---

Families / Youth Strengths: <u>Strong, loved loves his children, tight knit family, receives income, hard worker</u>
--

Family / Youth Needs	Action Steps	Time Frame	Person (s) Responsible
	(1) The court will speak with Rodney the court & the court to determine where Rodney needs to go	Today 11/3/17	DHH's (Court)
	(2) The court will contact the court about Rodney's home		
	(1) Rodney will be in week - needs to regain authority over the children	Wed 11/8 4pm	Michigan Family
	- Give Rodney or transportation assistance to visit	Jerome will contact Rodney Mon 11/6/17	
	- Rodney from mid part will call Monday to confirm visit		
Services	- Psych eval to determine needs - Rodney will get a psych eval		Rodney, Dept.
	+ he can go w/ his own choice, but at his own cost. The Dept. will pay if Rodney agrees to use Dr. Barnes for the evaluation		



WEIDMAN CLINIC

3520 North Woodruff Road
P.O. Box 36
Weidman, Michigan
48893

tel (989) 644 3329
fax (989) 644 3724

mclaren.org

June 15, 2018

To Whom It May Concern:

Rodney Davis is under my primary care. He continues to have problems with uncontrolled hypertension. He does not believe his blood pressure will improve until the court case is resolved. In my opinion, any stressful situation has the potential to adversely affect his blood pressure.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Beatty".

Jean Beatty, PA-C

**RESPONDENT'S
EXHIBIT**

RFX3
2/18/19 SP



McLaren Central - Weidman Clinic
3520 N Woodruff, PO Box 36
Weidman, MI 48893
(989) 644-3329

RODNEY DAVIS
9852 CADILLAC DR
LAKE, MI 48632

PH: (989) 339-6488
MRN: 920981
DOB: 01/15/1954

DOS: Jun 6 2018 8:00AM

Chief Complaint

Pt was late for his appt today, he asked that I check his BP I did so It was 200/110 on the left arm and 198/120 Rt arm, Spoke with Jean Beatty PAC. She stated he needs to increase his Atenolol to 50 mg daily and she sent in another RX of lisinopril. Instructed him he must take his meds and reschedule another appt to see Jean Beatty to address his Blood pressure issues. K K.

Active Problems

1. Head lice (132.0) (B85.0)
 - Assessed By: Jennings, Martin (Family Medicine); Last Assessed: 29 Jul 2016
2. Hypertension (401.9) (I10)
 - Assessed By: Beatty, Jean (Family Medicine); Last Assessed: 01 May 2018
3. Seasonal allergic rhinitis, unspecified trigger (477.9) (J30.2)
4. Social problem (V62.9) (Z65.9)
 - Assessed By: Beatty, Jean (Family Medicine); Last Assessed: 03 May 2018

Allergies

1. No Known Drug Allergies

End of Encounter Meds

Medication Name	Instruction
Atenolol 25 MG Oral Tablet	↑ to 2 pills TAKE 1 TABLET DAILY.
RA Loratadine 10 MG Oral Tablet	daily TAKE 1 TABLET DAILY.

Signatures

Electronically signed by : Kolette Korman, MA; Jun 6 2018 9:14AM EST (Author)

RODNEY E. DAVIS
920981

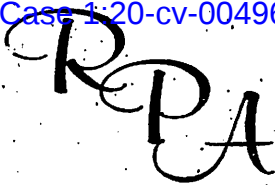
Oct 3 2017

To whom it may concern

I Rod Davis permission for
my daughter chagstaf to home
School to at Ruth Wardman
house at 1404 Jefferson Drive
Cadillac MI 49601

Signed

Rod Davis
10/3/17



Client's Name: Rodney Davis
Date of Birth: 01.15.54
Date of Assessment: 01.16.18 & 01.18.18
Date of Report: 01.31.18

PSYCHOLOGICAL EVALUATION

HISTORY OF ILLNESS

Complaints and Symptoms

Mr. Davis is a 64-year-old male who drove to the evaluation today. When asked the reason for the evaluation today he stated, "To show that I am able to care for children that I have been caring for, for the past eighteen years. CPS gave me a choice to either go to theirs [for an evaluation] and they would pay for it. But if I went to anywhere else I would have to pay for it. They want to know if I have serious mental health issues. I decided to go somewhere else". He was informed that the information he provided could be used to help adjudicated the court proceedings.

Treatment and Medications

Mr. Davis denied a history of medical hospitalization. He denied a history of outpatient surgery. He denied a history of psychiatric hospitalizations. He denied a history of receiving outpatient mental health services, but reported having undergone two prior psychological evaluations to determine his ability to function as a parent. He denied a history of substance abuse. His last physical examination was in 2016. Current health related concerns were reported as ankle pain, chronic ear infections, high blood pressure, hip pain, knee pain, multiple sclerosis, shoulder pain, and a torn rotor cuff. Using a ten-point scale he rated his typical pain as a "five", with fluctuations to a "ten" whenever he is required to walk more than 500 feet or climb stairs. He denied using any prescription medications.

Personal History

Mr. Davis was born in Ypsilanti and raised in Dearborn Heights, Michigan. He described his childhood as, "normal." He described his father as physically abusive, but when asked he noted that his father was never reported for physical abuse. He denied a history of alcohol abuse by his parents. He reported placement in regular education classes until he discontinued his schooling in the twelfth grade (1972). He obtained his high school diploma in 1984. He obtained a CDL license in 1977 and a heavy equipment operator license in 1997. He married in 1998, had two children (1999 – Misty Dawn Davis & 2004 – Crystle Eve Davis), and separated around 2008. He described his marriage as difficult stating, "I married a woman who had mental retardation. I didn't know that at the time, and she didn't appear to have those issues". He reported having approximately ten jobs in the past, with the longest being when he was self-employed remodeling homes (1988 to 2005). He was placed on Social Security Disability in 2007 following a job-related accident. He went on to note, "My attorney sewed the company and I got

R. Davis 2

an award of approximately one-hundred-and-fifty thousand dollars. He reported a past conviction for jostling (2009).

Social Functioning

Mr. Davis lives with his eldest daughter in a home that he owns. Social Security Disability payments and benefits his daughter receives through his disability claim help to fund the home. A Bridge card helps to defray the cost of food. He described his relationship with his eldest daughter as "good". He went on to note, "She now has a boyfriend who she spends a lot of her time with. She has been dating him for a couple of years". He described his relationship with his youngest daughter by stating, "We had an outstanding relationship until she started acting out in school- she had ten write-ups in seven days. She was taken from my home on October 25th because she had so many write-ups and she was thrown off the bus so she couldn't get to school. I had planned to transition her schooling to Ohio where she would live with some friends of mine. Instead we had her home schooled with the daughter of my preacher [Ruth Nordman]. The daughter of the preacher lived in Cadillac. She (Ruth Nordman) subsequently filed papers for custody, and Crystle decided to live permanently with Ruth. I went up to get her. We left and I brought her home. She [daughter] was very upset- we had an argument. Two days later she left and went to back to live with Ruth. CPS and Ruth came to my home for a meeting. CPS wanted to take her to mental health and stated that they would pay the cost. They gave me two weeks to arrange for her treatment, but wound up taking her seven days later. She has been in foster care since that time". When asked about his relationship with his family of origin he went on to report no contact in the past five years with his one remaining sibling. He reported having approximately five close personal friends that he interacts with on a regular basis.

Past and Present Interests

He described his current interests by stating, "Pursuing every avenue there is to get my child back". He described past interests by stating, "I use to like fishing, camping, and hiking with my children. We hunt but we just don't kill. I worked as a meteorologist for WSDS in Ypsilanti, and I really enjoyed that". He explained that he still has interests in all these activities, but that he no longer engages in them because, "They took my daughter".

Daily Activities

When asked what he does on a typical day he replied, "I usually get up at 4:00 am. I make some coffee and turn on the radio, I usually do the dishes. Then I get the girls up for school and cook breakfast. They get on the bus between 6:15 and 6:30 am. After they get on the bus I have some coffee and relax. I listen to the radio until it gets light out. Then I go outside and work on the house. I've been working on the house quite a bit. I might go fishing with some friends or by myself". He denied engaging in any additional morning activities. He reported that he rarely has lunch. He described afternoon activities by stating, "I usually work on the house until about 2:00 pm. Then I start preparing dinner for the kids. They get home around 3:40 pm. Usually we have supper right away." He described evening activities by stating, "I usually ride my wheel chair out in the property where we have a sanctuary for wild game- particularly woodcocks. We can stay out there until dark. Then we might eat some more or sit and watch TV. They do their homework and chores, and then they shower. They usually are in bed at 10:00 pm, with electronics turned off by 11:00 pm." He reported retiring for the evening around midnight. He denied any significant sleep related concerns but went on to note "Sometimes I wake up in pain

R. Davis 3

and have to take Ibuprofen". He reported that he typically feels rested upon awakening. He reported being able to complete all household chores. He reported being able shop independently and make change.

GENERAL OBSERVATIONS

He arrived on time for the session. His weight was reported as 280 pounds and height was reported as 72 inches. Posture and personal hygiene were unremarkable. He walked with a limp due to hip and foot pain. His interpersonal style was best described as self-focused.

Behavior and Attitude

At the time of the evaluation he was in contact with reality. When asked how he felt about himself he replied, "In general I feel that I have many talents. I'm Native American and I try to do things related to that heritage. I try to teach my daughters Native American ways, I've raised two daughters on my own for eighteen years. I did a good job".

Stream of Mental Activity

In general, his responses were organized and pertinent. At times he became pedantic and focused on minutia.

Mental Trend and Thought Content

He denied any current or past auditory or visual hallucinations. He denied any obsessions, persecutions, or perceptions of possessing unusual powers. He denied any suicidal ideation. He denied any clinically significant sleep related concerns.

Emotional Reaction

His emotional reaction can best be described as distressed. When asked how he was feeling he stated, "I feel great when I don't think about my child being detained, but when I think about my child being detained I feel terrible".

SENSORIUM AND MENTAL CAPACITY

Orientation

He was oriented to person, place, and time.

Immediate Memory

He was able to recall seven digits forward and five digits backward.

Recent Memory

He was able to recall three out three objects after a five-minute interval.

Past Memory

He named the current president of the United States as "Trump." When asked to name the three most recent past presidents of the United States he stated, "Obama, Bush, & Clinton." He recalled his birthday.

Information

When asked to name five large cities he responded, "New York, LA, Chicago, Huston, & Detroit". When asked to name some currently famous people he replied, "Eminem & Rosanne". When asked to name some current events he responded, "I don't watch TV; I listen to the radio. The past damage of hurricanes and 'The Wall'. Lake Michigan and Lake Huron are up about a foot. There are attacks against the president over his communications with the Russians."

Calculation

He was able to count backward from 100 by threes. He correctly answered three out of four single digit calculations, " $9+8=17$, $12-7=5$, $8 \times 7=48$, & $9/3=3$."

Abstract Thinking

When asked the meaning of the saying, 'the grass isn't always greener on the other side of the fence' he replied, "Things aren't always better when you change your position". When asked the meaning of the saying, 'don't cry over spilled milk' he replied, "What's lost is lost".

Similarities and Differences

When asked how a bush and tree are alike he replied, "They both have roots and leaves, and they need sunshine". When asked how they are different he replied, "A bush tends to be a smaller plant".

Judgment

When asked what he would do if he found a stamped, addressed envelope lying on the sidewalk he replied, "I'd probably pick it up and read it- if it was an advertisement I'd probably throw it away. If it was to a person I'd drop it in the mailbox or the post office". When asked what he would do if he discovered smoke or fire in a theatre he responded, "If it was with my family I'd tell them we need to find an exit. As we get to the exit I would scream fire". When asked about plans he noted, "I want to educate my daughter to be a marine biologist. I want to help both my daughters graduate from college. I have already deeded the property and my home to them so they will have a place to live. "

ADDITIONAL INFORMATION

No relevant additional information was available.

TEST RESULTS

General Observations

He appeared motivated to complete the testing and the results are likely to reflect his current level of functioning.

Intellectual Functioning

He was administered the Wechsler Adult Intelligence Scale, Fourth Edition (WAIS) to assess his current level of cognitive functioning. The average or typical score on the composite indices is 100. He obtained the following composite scores: Verbal Comprehension = 91; Perceptual Reasoning = 105; Working Memory = 95; and Processing Speed = 92. Mr. Davis's Full Scale IQ score of 95 resulted in a percentile rank of 37. The average or typical subtest score is a 10. He obtained the following subtest scores:

<u>Verbal Comprehension</u>	<u>SCORES</u>
Similarities	09
Vocabulary	07
Information	09
 <u>Perceptual Reasoning</u>	
Block Design	12
Matrix Reasoning	09
Visual Puzzles	11
 <u>Working Memory</u>	
Digit Span	10
Arithmetic	08
 <u>Processing Speed</u>	
Symbol Search	10
Coding	07

Psychiatric Symptoms

Mr. Davis completed the *Minnesota Multiphasic Personality Inventory, second edition* (MMPI). The *MMPI* is a 567-item self-report measure of psychiatric symptoms. Although this profile was within valid limits, Mr. Davis presented himself in a positive light- attempting to show that he has few psychological problems. This pattern suggests a need to project a good image, high moral values, good self-control, and freedom from psychological problems or human weakness.

Overall Profile

His clinical profile was within normal limits. No clinical symptoms were reported. The overall profile suggest that he has a rather limited range of interests and tends to prefer stereotyped masculine activities over literary and artistic pursuits or introspective experiences.

Interpersonal Style

He presented as outgoing and sociable, he reported a strong need to be around others. He is likely to be viewed by others as gregarious and enjoys attention. Personality characteristics related to social extraversion tend to be stable over time and his sociable behavior is not likely to change if he is retested at a later time. In terms of close interpersonal relationships, at times he may be viewed as intolerant and insensitive, and others may find him rather narrow-minded.

Critical Items

Mr. Davis endorsed several critical items that are not diagnostic, but can be useful in understanding current concerns.

- No one cares much what happens to you. (True)
- I often wonder what hidden reason another person may have for doing something nice for me. (True)
- Most people make friends because friends are likely to be useful to them. (True)
- I seldom worry about my health. (False)

Parenting Stress

Parenting stress was assessed using the *Parenting Stress Index* – fourth edition (*PSI*). The *PSI* is often used to evaluate the parenting system and for identifying issues that may lead to problems in the child's or parent's behavior. While his daughter is somewhat older than the standard norms, it is suggested that the results provide a reasonable approximation of the stress he experienced caring for his daughter. The *PSI* employs T-Scores so an average of typical score is 50. The Defensive Responding index was in an acceptable range, indicating no obvious problems with defensiveness.

Indices	T-Scores
Child Domain	51
Parent Domain	48
Life Stress	44

The Child Domain assess for child characteristics that make it difficult for parents to fulfill their parenting role. The Parent Domain assesses for parental characteristics or dysfunctions that make it difficult to maintain the parent-child system. As can be seen from the scores listed above, no significant difficulties were reported with regard to child or parent characteristic's that would make it difficult to maintain the parent-child system.

CLINICAL IMPRESSION

Mr. Davis was seen at this clinic on three separate occasions to complete the testing. The results of the clinical interview and mental status examination failed to identify significant abnormalities in sensorium or mental capacity. His overall mannerism was best described as somewhat anxious, but cooperative. He denied a significant history of receiving personal psychiatric services, but did report having undergone two prior psychological evaluations to assess his ability to care for his children. Copies of these reports were not available. He reported current difficulties managing chronic pain and information gleaned during the mental status examination suggests that Mr. Davis is likely to meet a DSM 5 criteria for a diagnosis of 300.82 somatic symptoms disorder with predominant pain persistent moderate.

Mr. Davis demonstrated a level of cognitive functioning that was generally in the average range, with a significant strength on tasks that assessed perceptual reasoning ability. His performance on the MMPI was within normal limits, as was the amount of parenting stress he reported. No additional psychiatric diagnoses appear warranted at this time.

CONCLUSION

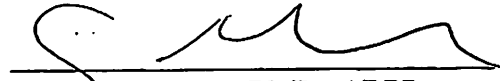
Based upon the clinical interview, mental status examination, and intellectual evaluation Mr. Davis appears to be of average intelligence with commensurate adaptive behaviors. Deficits in his adjustment to environmental demands appear to derive from chronic pain which he has managed for many years. It may be that participating in mental health service to learn more effective strategies for managing chronic pain might prove useful.

Mr. Davis was rather defensive on the measure of psychiatric symptoms; however, such a response style is not surprising given the possible negative consequences that could derive from this evaluation. The results of the MMPI are still considered to be valid and Mr. Davis did not

R. Davis 7

report clinically significant symptoms that would warrant the diagnosis of a formal psychiatric condition. Moreover, he also did not report significant distress related to caring for his youngest daughter.

Thank you for this interesting referral. Please contact me directly if questions arise.



George F. Ronan, Ph.D., ABPP
Director & Licensed Psychologist
License # 6301007695
Expiration Date: 8.31.18

EXHIBIT FOR ALL

In the matter of Crystle Davis

File No. 17-069-NA

LGAL Court Report
for Court Hearing on August 21, 2018

- 1.
- With whom is the child currently placed? Is this a relative?

Crystle remains placed with a licensed, non-relative foster home in Clare County. Foster mom told me privately that she must provide Crystle constant supervision following her release from Safe-house care. Foster mom states she has requested assistance from DHHS, she is exhausted. I hope this does not compromise Crystle's foster placement.

- 2.
- Is the child current with all doctor and counselor appointments? If not, what is your recommendation?

Yes. LIE

- 3.
- What are the health concerns, or needs, that should be addressed?

None Noted.

- 4.
- What are the mental health needs of the child that should be addressed?
-
- Needs are being met

- 5.
- Is the child regularly attending school and passing? Where? Grade level?
-
- Crystle will be in 9
- th
- grade at Farwell High School.

- 6.
- Is parenting time established and being exercised? How often and for what duration?

Crystle states when she was in Safe-house, her mother called her "every day." Crystle states her mom calls her now about once a week. Crystle's comments about her mom's contacts appeared more as if telling me this to convince herself that someone cared about her. Crystle vacillated on whether talking to her mom was good or bad. Crystle's emotional state appears compromised displaying a smiling face but contradictory statements.

Crystle said her dad was "not permitted" to call her while in Safe-house. Father is not participating in parenting time parameters as previously ordered.

Additional information to be considered:

Crystle continues to request presence at the court hearings asserting that she is 14 years old. (Foster mom stated an Isabella Co. caseworker planted this idea in Crystle's head) I cannot support Crystle's presence in the courtroom at this time given her recent mental health episode(s).

DATE: August 21, 2018

Annette K. Howe (P67491)
Lawyer-Guardian Ad Litem

ISABELLA

CASE WORKER

WHO?

CLARE CO.
ENTERPRISESHE WANTED
TO TELL THE TRUTH!

NO MORE GUILT

CAN ONLY DO THIS
JER MADE A MURDER DAVIS DEMAND

REMOVED

NO

LIES
GUILTCHECK
THISHEART
ATTACK

DIDN'T KNOW SHE WAS THERE

LIE

IMPORTANT

1 I've ordered it. And we're gonna go from there. Court's in
2 recess.

3 MR. GURUMURTHY: Thank you.

4 BAILIFF: All rise.

5 (At 10:26 a.m., matter is adjourned.)
6
7

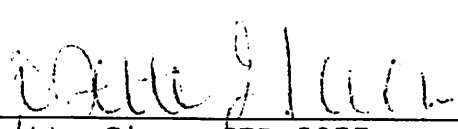
8 STATE OF MICHIGAN)

9 COUNTY OF CLARE)
10

11 I certify that this transcript consisting of 17
12 pages is a complete, true, and correct transcript to the best
13 of my ability of the dispositional hearing at the 55th Circuit
14 Court-Family Division, Clare County, on Tuesday, March 20,
15 2018.

16 This transcript is only certified if the signature
17 below is original.
18

19
20 Date: 11-11-18


21 Josette Given CER 5277
22 55th Circuit Court-Family Division
23 225 West Main Street
24 P O Box 96
25 Harrison Michigan 48625
(989) 539-7109

guardians, or other custodians, or who is without proper custody or guardianship.

- b. Respondent father's home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, non-parent adult, or other custodian, is an unfit place for the juvenile to live in.

3. MCR 2.115(B) states in relevant part "... the court may strike from a pleading redundant, immaterial, impertinent, scandalous, or indecent matter..."

4. That on or about November 8, 2017, this Court Ordered that Misty Davis be returned to the care and custody of her father, Rodney Davis.

5. That since the November 8, 2017 Preliminary Hearing, Misty Davis has been removed from the petition and returned to the care and custody of her father.

6. That paragraphs 9, 10, and 11 pertaining to Mistry Davis shall be struck from the pleading as they are irrelevant.

7. That paragraph 12 and 12 a-e [sic] is a statement that is conclusory and has no place in a fact-based petition. This allegation is vague, stale, and lacks specificity as to date, time, and location as to the current status of Respondent father's situation. In fact, DHHS's allegations in paragraph 11 date back to 2012 and 2013 and even if proven, DHHS fails to demonstrate that these actions pose a risk to the minor child in the current situation to the extent that this court take jurisdiction under MCL 712A. 2(b)(1)(2). In addition, it contains language that is hearsay. In a trial for jurisdiction, hearsay is not admissible and the wording in the Petition on its face would allow inadmissible hearsay into evidence. The allegations in this paragraph, even if proven, is insufficient for this court to take jurisdiction under MCL 712A. 2(b)(1)(2).

8. That paragraph 15 and 15 a-c [sic] is a statement that is conclusory and has no place in a fact-based petition. This allegation pursuant to MRE 403 is unfairly prejudicial that the probative value it presents. In addition, it contains language that is hearsay. In a trial for jurisdiction, hearsay is not admissible and the wording in the Petition on its face would allow inadmissible hearsay into evidence. The allegations in this paragraph, even if proven, is insufficient for this court to take jurisdiction under MCL 712A. 2(b)(1)(2). In *Haberkorn v Chrysler Corp.*, 210 Mich App 354, 533 NW2d 373 (1995) the trial court properly excluded

PURSRY BY J BARE

AS A

FOSTER

HOMED

CLAIRPB

J BARE

DRUSE BUKI

EYE

ON

RAUI

OR JEN

GALLC

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GALLOWAY LEGAL SERVICES, P.L.L.C.
JENNIFER M. GALLOWAY
ATTORNEY AT LAW
108 S. UNIVERSITY, SUITE 5
MT. PLEASANT, MICHIGAN 48858

TELEPHONE (989) 953-3532
TELEFAX (989) 953-3534

October 11, 2018

Rodney Davis
9852 West Cadillac Drive
Lake, MI 48632

RE: In the Matter of Crystle Davis
Clare Co. File 17-069-NA

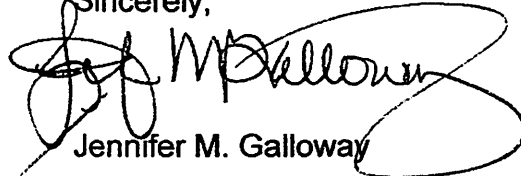
Dear Mr. Davis,

Today we met in my office and discussed the case overall. We determined that the prosecutor has not yet filed the petition for termination of parental rights. When that is filed, the court will schedule a day for trial. The review hearing scheduled for November 14, 2018 is a review hearing and is not the date for the trial regarding your parental rights.

Also, I ordered the transcripts from February 22, 2018 and March 20, 2018 to determine what was said on the record that led the court to take jurisdiction in this case. As we discussed today, when I receive these transcripts, I will provide you a copy.

You also talked to me about witnesses that you had prepared back in February 2018. Please provide me a written list of the names, addresses, and telephone numbers of the witnesses you believe may be important to the facts of this case. Also, for each witness name, please provide me a written statement of what you believe each witness would testify about.

Sincerely,


Jennifer M. Galloway

cc: File

GEORGE
ROMAN
ON THE
LIST

NEVER DID

SHE
GALLOWAY
STOP
DID
NOTHIN

NEVER
OUT

DID THIS

Case Worker:	Veronica Diaz	8-15-18	SYHIS
Supervisor:	Betsy Ulicki	8/15/18	<i>[Signature]</i>

Michigan Department of Health & Human Services (MDHHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to an MDHHS office in your area.

THIS IS JERAME BARE / BET ULIKKI
 AND BIVKA HERNANDAZ / SLAMED A BLINE DOWN
ON MY FINGERS TO GET
KNEW OF PURGARY SUPERVISOR PUT FEAR IN ME ON CARDS
ON ICE IN PARKING LOT WHO GOT JERRY UP SET 20%
 WITH ME. TRYING TO COLECT ON PROMIS OF DHS
 FUEL CARDS \$60. WANTED ME TO ASSENTED
 \$30 WAS NOT AMOUNT AGREED TO BY JERAME BARE
 HAD TO GET RAUI TO PICKUP IN CADILLACK SPECIALIST
 NO RAUI. SAME \$30 ON A DESK IN THE LOBBY
 NOT RAUI OR HIS SECT ALL I ASK WAS WHARE'S
 RAUI

THE WHOLE REASON AT HIS OFFICE I HAD A
 APPOINTMENT AT 300 PM RAUI, NO SHOW!!

Case # 17-069-NA

08/15/2018
PATP

Davis

Crystal Davis

	Name	Service	Provider	Process/Referral	Progress
1.	Crystle Davis	Education	Farwell Public School	Crystle will attend and complete all work assigned to complete classes.	Continued
2.	Crystle Davis	Mental Health PILLS TRY TO KILL HER BUSS	Dr. Byron Barnes SAID NOT A NORMAL ABUSE/NEG P.T.S.D.	Complete a full psychological evaluation. Be open and honest with Dr. Barnes during the evaluation. Follow any and all recommendations from evaluation.	Completed PILLS CUTTER ↓ CHANG MED
3.	Crystle Davis	Mental Health MOTHER BIE POLR	CMH or other appropriate counseling service	Participate in counseling services to address trauma BUS	Continued

WENDY BI POL
 SUSAN " "
 MOTHER
 CRYSTLE " "
 SUCKIDLEX (4)
 BRO M
 CUS E DIE
 UNCLE N DIE
 ATEMP T CUTTER
 SN AL

NEVER KNEW. ? ? ?

RONAN

Case # 17-069-NA

08/15/18
PATP

Davis

	Name	Service	Provider	Process/Referral	Progress	
1.	Rodney Davis	Mental Health PSY ASS	Dr. Byron Barnes NEVER RONAN & ASSOCIATES	Complete a full psychological evaluation. Be open and honest with Dr. Barnes during the evaluation. RONAN If appointment needs to be rescheduled this will be done 24 hours in advance. Follow any and all recommendations from evaluation. FIGHT	Refused HIRED P.O. JUDGE	LIE ENTE PRILE ONE EVEN NEW TILL OVER
2.	Rodney Davis	Parenting Time 11X	CMH VISIT CRYSTLE	Participate in all parenting times in accordance with MDHHS guidelines. NO RELEASE TO RONAN	Refused LIE KNOW	
3.	Rodney Davis	Documentation	MDHHS	Sign all requested releases	Refused	
4.	Rodney Davis	Parenting Skills	AOI or MMCCA	Participate in parenting education. Utilize skills learned from the parenting education during parenting time.	Refused NOT	

18 YRS
EXP

JER BARE WOULD NOT ENFORCE!
COURT ORDER!
CONTEMPT

ROD 63 YRS OLD
EXP 13 YRS CRYSTLE 13 YRS OLD
EXP 18 YR MISTY 18 YRS OLD
HIGH SCHOOL GRAD JOB'S 3-4
ON HER OWN AT 19 YRS OLD

THIS
IS WHAT THE JUDGE WANTED MY LIFE
TO KEEP HER ENTERPRISE PROFIDABLE
100,000.00 TO DATE

STATE OF MICHIGAN
55TH CIRCUIT COURT-FAMILY DIVISION FOR CLARE COUNTY

IN RE:

CRYSTLE DAVIS (DOB 1/22/2004),
Minor.

HON. MARCY A. KLAUS
FILE NO. 17-069-NA

Eilisia G. Schwarz (P66350)
Clare County Chief Asst. Prosecuting Attorney
225 W. Main, P.O. Box 586
Harrison, Michigan 48625
(989) 539-9831
schwarze@clareco.net

Annette Howe (P67491)
LGAL for Minor, Crystle Davis
PO Box 3
Beaverton, Michigan 48612
(989) 429-7218
annettehowe@sbcglobal.net

Ravi Gurumurthy (P78368)
Attorney for Respondent Father
PO Box 1014
Cadillac, Michigan 49601
(231) 577-4822
Ravi@michiganlawnorth.com

Karyn Tomczyk (P76403)
Attorney for Respondent Mother
PO Box 362
Gladwin, Michigan 48624
(989) 426-8535
attorneytomczyk@gmail.com

**MOTION TO ALLOW DHHS TO GIVE CONSENT
FOR PSYCHOTROPIC MEDICATION**

NOW COMES, the Department of Health and Human Services (DHHS), by and through Eilisia G. Schwarz, Clare County Chief Assistant Prosecutor, and in support of its Ex Parte Motion to Allow DHHS to Give Consent for Psychotropic Medication, state as follows:

1. Crystle Davis a minor and a temporary court ward of this court in the above captioned case.
2. On April 9, 2018, Crystle was recently seen for a sports physical because she will be throwing shot putt in track at Mid-Michigan Health in Clare, Michigan.
3. Stacy Carstensen, PA examined Crystle for the sports physical.
4. At this appointment Crystle disclosed to Stacy Carstensen that she was cutting herself and thought about suicide.
5. Carstensen prescribed Zoloft 50mg daily.

Clare County Prosecuting Attorney
225 W. Main, P.O. Box 586
Harrison, Michigan 48625
Telephone: (989) 539-9831



6. Since the filing of the Exparte motion to allow DHHS to Give Consent for Psychotropic Medication on April 20, 2018, Crystle Davis was sent home from school on April 25, 2018 due to her having suicidal issues.
7. On April 13, 2018, Carstensen followed with DHHS about the medication status, and Carstensen was insistent that Crystle commence taking the Zoloft prescription immediately.
8. This treatment requires a signature and consent of the caregiver or parent.
9. DHHS cannot consent to this treatment in place of a respondent parent unless an order is entered by the Court authorizing that authority pursuant to MCL 722.124a.
10. DHHS Foster Care Worker Jerome Bear contacted Crystle Davis' father, Rodney Davis, requesting that he review and sign the Psychotropic Medication Informed Consent Form.
11. Respondent-Father, Rodney Davis, stated that he would not meet with DHHS Jerome Bear to discuss Crystle's recent disclosures during her sports physical.
12. Respondent-Father refused to sign the paperwork necessary to begin administering the medication by Carstensen.
13. Respondent-Father told DHHS Jerome Bear to "never to come to his house again."
14. Rodney stated he has a new attorney; however, he would not give DHHS Jerome Bear the contact information for his new attorney.
15. Since speaking with him, Petitioner has not been contacted by any other attorney representing Respondent-Father.
16. Petitioner contacted Respondent-Father's current attorney of record, Ravi Gurumurthy, and Mr. Gurumurthy indicated the Respondent-Father wants a second opinion.
17. Crystle Davis needs this recommended medication and requires that there be a caregiver/parent present to sign the necessary documents and consent to necessary treatment from these treatment providers.

WHEREFORE, the Department of Health and Human Services respectfully requests this Honorable Court to enter the attached Order to Allow DHHS to Give Consent of Psychotropic Medication pursuant to MCL 722.124a.


evidence of police reports citing that the probative value of the reports was minimal and was substantially outweighed by the needless delay and unfair prejudice that would have occurred.

9. Paragraph 20 is simply untrue and should be struck from the petition. [Exhibit A].

WHEREFORE, Respondent Father requests that this Honorable Court to:

- A. Strike paragraphs 9, 10, 11, 12, 12 a-e, 15, 15 a-c, and 20 [sic] from the Petition in whole or in part as described.
- B. Amend the other paragraphs so that they are proper without the element of hearsay, conclusory statements, and allegations that are current in nature and relevant.
- C. Grant any other relief which the court deems appropriate and just.

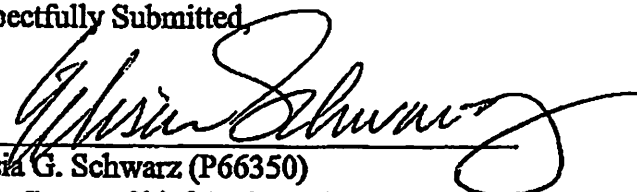
Dated: December 8, 2017



Ravi R. Gurumurthy

Date: April 27, 2018

Respectfully Submitted,


Eilisia G. Schwarz (P66350)
Clare County Chief Assistant Prosecutor

BRIEF IN SUPPORT

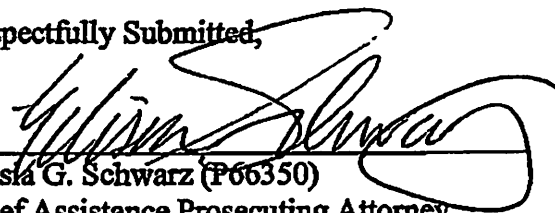
MCL 722.124a(1) provides in pertinent part:

“A probate court, a child placing agency, or the department may consent to routine, nonsurgical medical care, or emergency medical and surgical treatment of a minor child placed in out-of-home care pursuant to Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, Act No. 288 of the Public Acts of 1939, as amended, being sections 710.21 to 712A.28 of the Michigan Compiled Laws, or this act....”

“Ordering treatment under MCL 722.124a(1) primarily depends on whether the child has been ‘placed in out-of-home care.’ As a result, once a family court places a child in foster care or other “out-of-home” living arrangement, it has statutory authority to order medical or surgical treatment in an emergency, or routine, nonsurgical treatment even when there is no emergency.” *In re AMB*, 248 Mich App 144, 178-79; 640 NW2d 262, 282 (2001).
(Footnote omitted.)

For these reasons and those stated in the motion, Petitioner requests the court to enter an order allowing DHS to give medical consent.

Respectfully Submitted,


Eilisia G. Schwarz (P66350)
Chief Assistance Prosecuting Attorney

Date: April 27, 2018

STATE OF MICHIGAN
COUNTY OF CLARE
55TH CIRCUIT COURT-FAMILY DIVISION

IN THE MATTER OF:
Davis, Crystal 01/22/2004

Hon. Marcy A. Klaus
17-069-NA

Eilisia Schwarz (P66350)
Clare County Chief Assistant Prosecutor
225 W. Main Street, P.O. Box 586
Harrison, MI 48625
989-539-9831

Clare County 55th Circuit Court
Family Division
225 W. Main Street PO Box 96
Harrison, Michigan 48625
989-539-7109

Karyn Tomczyk (P76403)
PO Box 362
Gladwin, Michigan 48624
989-426-8535
Attorneytomczyk@gmail.com

Annette Howe (P67491)
PO Box 3
Beaverton, Michigan 48612
989-429-7218
annettehowe@sbcglobal.net

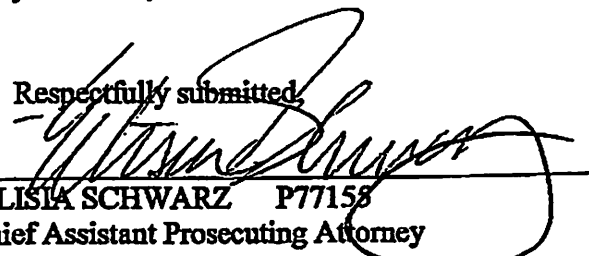
Ravi Gurumurthy (P78368)
PO Box 1014
Cadillac, Michigan 49601
231-577-4822
ravi@michiganlawnorth.com

NOTICE OF HEARING

PLEASE TAKE NOTICE the foregoing People's Motion To Allow DHHS to Give Consent for Psychotropic Medication be brought on for a hearing before the HON. Marcy A. Klaus, Circuit Court-Family Division Judge, at 225 W. Main St., City of Harrison, County of Clare, State of Michigan, on Friday, May 04 2018, at 11:30am. or as soon thereafter as counsel may be heard.

Dated: April 27, 2018

Respectfully submitted,


EILISIA SCHWARZ P77153
Chief Assistant Prosecuting Attorney



STATE OF MICHIGAN
COUNTY OF CLARE
55TH CIRCUIT COURT- FAMILY DIVISION

IN THE MATTER OF:

File No. 17-0069-NA

CRYSTLE DAVIS (DOB 01/22/2004)

Hon. Marcy A. Klaus

Eilisia G. Schwarz (P66350)
Chief Assistant Prosecuting Attorney
225 W. Main St
Harrison, Michigan 48625
989-539-9831

Annette Howe (P67491)
L-Gal For the Minors
PO Box 3
Beaverton, Michigan 48612
989-429-7218

Karyn Tomczyk (P76403)
Attorney for Respondent Mother
PO Box 362
Gladwin, Michigan 48624
989-426-8535

Ravi R. Gurumurthy (P78368)
Attorney for Respondent Father
PO Box 1014
Cadillac, Michigan 49601
231-577-4822

PROOF OF SERVICE

I hereby certify that a copy of Respondent- Father's Response to Allow DHHS to give Consent for Psychotropic Medication was mailed by first class mail to/ emailed to/ and/or personally served upon the persons/offices listed above, at the addresses shown there on said date. I also certify that the appropriate postage was placed on said document(s) with the return address of Ravi R. Gurumurthy, PO Box 1014, Cadillac, MI 49601.

Dated: April 27, 2018




Ravi R. Gurumurthy

DHHS. Respondent father also states that he has never been informed of any medical appointments for his daughter.

WHEREFORE, Respondent Father requests this Honorable Court to deny this request and hold a hearing regarding the above-request.

Dated: April 27, 2018



Ravi R. Gurumurthy
Attorney for Respondent Father

BRIEF IN SUPPORT

MCL 722.124a (4) states that "As used in this section, 'routine, nonsurgical medical care' does not include contraceptive treatment, services, medication, or devices." In addition, MCL 722. 127 of the Child Care Organization Act protects a parent's ability to object to medical immunizations on religious grounds. It states, "nothing in the rules adopted pursuant to this act shall authorize or require medical examination, immunization, or treatment for any child whose parent objects thereto on religious grounds."

Dated: April 27, 2018



Ravi R. Gurumurthy

Received 5/20/19
mmg

Court of Appeals, State of Michigan

ORDER

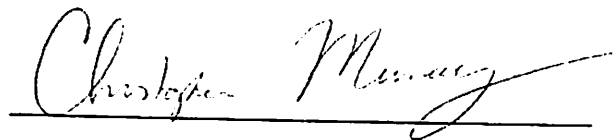
In re C Davis Minor

Docket No. **348861**

LC No. **17-000069-NA**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not filed within 14 days of the April 12, 2019 order terminating parental rights. MCR 7.204(A)(1)(c). Further, appellant did not file a request for the appointment of appellate counsel with the circuit court within 14 days after the April 16, 2019 service date of the notice regarding the right to request appointed appellate counsel. MCR 3.977(J)(1)(c). Dismissal is without prejudice to the filing of an application for leave to appeal within the 63-day period provided under MCR 7.205(G)(6). See MCR 3.993(C)(2).





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 16 2019

Date


Chief Clerk

Copies to: Trial Court, Court Reporter(s)/
Recorder(s), Appointed Attorney, Respondent,
Petitioner, Prosecutor, Lawyer-Guardian Ad
Litem, Court of Appeals, and Indian tribe (if
applicable)

Approved, SCAO

JIS CODE: COA

STATE OF MICHIGAN
JUDICIAL CIRCUIT - FAMILY DIVISION
CLARE COUNTY

CLAIM OF APPEAL AND ORDER
APPOINTING APPELLATE COUNSEL
☐ Substitution of Counsel ☐ Order Amended

CASE NO. 17-069NA
PETITION NO.

Court address
225 WEST MAIN STREET, HARRISON MI 48625

Court telephone no.
989-539-7109

1. In the matter of (name(s), alias(es), DOB) Crystle Davis dob 1/22/2004

Name(s) of child(ren) affected by the order being appealed
Crystle Davis

Name and address of petitioner
Rodney Davis

Name and phone number of lawyer-guardian ad litem for child(ren)
Annette Howe 989-429-7218

2. The respondent, Rodney Davis, claims an appeal from an order terminating
Name (one respondent per claim of appeal)

parental rights entered on 4/12/2019 in the 55th Circuit Court, Family Division,
Date

Clare County, Michigan by Judge Marcy A. Klaus P59564

Copies of the judgment or order being appealed and the register of actions in the case are attached for the Court of Appeals,
appointed counsel, petitioner, and prosecutor.

Bar no.

3. On 5/01/2019 the respondent filed a request for appointment of attorney and a declaration of indigency.
Date

IT IS ORDERED:

4. Jennifer Galloway 108 S. University, Suite 5
Name Address
Mt. Pleasant MI 48858 989-953-3535 P47788
City, state, and zip Telephone no. Bar no.

is appointed counsel for the respondent in appellate proceedings. If appointed counsel cannot or will not accept this
appointment, counsel shall notify the court immediately.

5. The court reporter(s)/recorder(s) shall file with the trial court clerk the transcripts listed below and any other transcripts
requested by counsel in this case not previously transcribed. Transcripts shall be filed within 42 days from the date ordered
or requested. MCR 7.210(B). Reporter(s)/Recorder(s) shall be compensated for the transcripts as provided by law.

REPORTER/RECORDER NAME	NUMBER	DATE(S) OF PROCEEDING
Josette Given	5277	10/26/2017
Stacy Swan	8859	11/08/17, 11/29/17, 12/13/17, 1/24/18, 2/22/18, 3/20/18, 5/04/18, 6/05/18,
		8/21/18, 11/14/18, 1/29/19, 2/01/19, 2/28/19, 4/10/18
Haley Sulla	9310	3/20/19

The clerk shall immediately send to counsel a copy of the transcripts ordered above or requested by counsel as they
become available.

Date

5/6/19

Judge

Marcy A. Klaus P59564
Bar no.

Note: This order must be served on the respondent, appointed counsel for the respondent, court reporter(s)/recorder(s),
petitioner, prosecuting attorney, Indian tribe (if any), lawyer-guardian ad litem, and guardian ad litem or attorney (if any) for the
child(ren). Service may be made by first-class mail. Use form JC 12a or JC 12b for proof of service and attach it to this order
before sending it to the Court of Appeals.

To deny appointment of appellate counsel, use form JC 85.

Distribution of form: Original - Appellate court
1st copy - Trial court
2nd copy - Appellee/Attorney

3rd copy - Appellant/Attorney
4th copy - Reporter/Recorder
JIS Code: RRC

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE Clare	REPORTER/RECORDER CERTIFICATE OF ORDERING TRANSCRIPT ON APPEAL Appeal to: <input checked="" type="checkbox"/> Court of Appeals <input type="checkbox"/> Circuit	CASE NO. 17-069-NA
Court address 225 West Main Street, Harrison MI 48625		Court telephone no. 989-539-7109
Plaintiff's/Petitioner's name(s) and address(es) Clare County Department of Health and Human Services 725 Richard Drive Harrison, MI 48625 Plaintiff's attorney, bar no., address, and telephone no. Kristen Brown P47347 201 South University Mt. Pleasant, MI 48858 989-779-3200	v	Defendant's/Respondent's name(s) and address(es) Rodney Davis 9852 Cadillac Drive Lake, MI 48632 Defendant's attorney, bar no., address, and telephone no. Jennifer Galloway P47788 108 South University, Suite 5 Mt. Pleasant, Michigan 48858 989-953-3532
<input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee		
<input type="checkbox"/> Probate In the matter of _____		

This certificate must be filed by the appellant or the reporter/recorder within 7 days after the transcript is ordered on appeals to the Court of Appeals. This certificate must be filed by the appellant within 7 days after the transcript is ordered on appeals to the circuit court.

I am a certified court reporter/recorder for the court designated above and I certify that:

1. On 05/06/2019 ☐ a portion of the ☒ the complete transcript of proceedings, taken in this case before Hon. Marcy A. Klaus **P59564** on 10/26/17, 11/08/17, 11/29/17, 12/13/17, 01/24/18 **Bar no.** 02/22/18, 03/20/18, 05/04/18, 06/05/18, 08/21/18, 11/14/18, 01/29/19, 02/01/19, 02/28/19, 03/20/19, 04/10/19 **Date(s)** _____, was ordered by _____ **Attorney name (type or print)** _____ **Name (type or print)** _____.
 - ☐ a. _____, attorney for _____.
 - ☐ b. the appellant, _____.
 - ☐ c. the appellee, _____.
 - ☒ d. the court.
2. Payment has been secured and the transcript will be furnished by me on or about June 17, 2019 **Estimated date of completion** _____.
 Estimated number of pages is 575.
- ☐ 3. The transcript has been filed with the court and furnished as requested. Date filed: _____.
- ☐ 4. There is no record to be transcribed.

5-8-19
Date
Josette Given
Reporter/Recorder signature
Josette Given
Name (type or print)

CER 5277
Certification designation and number
225 West Main Street, P O Box 96
Business address
Harrison MI 48625
City, state, zip
9895397109
Telephone no.

List names, certification designations and numbers, and dates of each proceeding of each reporter or recorder who reported or recorded or transcribed any part of the proceedings: Haley Sulla, CEO 9310 recorded the 03/20/19 hearin, Stacy Swan, CEO 8859, recorded all others except one and Josette Given, CER 5277 recorded the 10/26/17 hearing and will be transcribing all the hearings.

Date: 5/14/2019

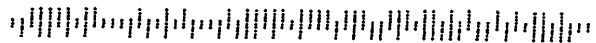
IN RE C DAVIS MINOR

COA#: 348861

LC#: 17-000069-NA

The above ***docket number has been assigned*** to your filing that was received by this Court on 05/09/2019. Please use this number on all future filings in this case.

TO:
GALLOWAY JENNIFER M
108 S UNIVERSITY AVENUE
SUITE 5
MT PLEASANT MI 48858



STATE OF MICHIGAN
55TH CIRCUIT COURT –FAMILY DIVISION
FOR THE COUNTY OF CLARE

In the Matter of Crystle Davis, dob 1/22/2004,

File No. 17-069-NA
Hon. Marcy A. Klaus

OPINION AND ORDER AFTER TERMINATION HEARING

The Termination Hearing for the Respondent father (hereafter “father”), Rodney Davis, was held on April 10, 2019. The father’s paternity was established by marriage. The Respondent mother (hereafter “mother”), Wendy Davis, voluntarily released her parental rights on February 1, 2019. The Court takes judicial notice of the legal and social file for this case.

The Court received expert testimony from psychologist Dr. Byron Barnes, PhD. The Court received testimony from Sherrie LaLone, Community Mental Health (CMH) outpatient therapist, Melissa Moe, CMH clinical supervisor, Lori Tideswell, foster parent, and Jereme Bear, DHHS foster care specialist. The Court also received testimony from Cliff Towery, Sheila Hooker, Gary Zastrow, and Arma Zastrow, friends of the Respondent father, and psychologist Dr. Daniel Fachting, PhD.

The Court received into evidence one exhibit, Respondent father’s Exhibit 2, the psychological evaluation of the father by Ronan Psychology Associates.

The Court determined during this case that the child was not a member of, nor eligible for membership in, a Native American Indian tribe and that the Indian Child Welfare Act did not apply to this case.

Chronology and Facts of the Case

The child, Crystle Davis (dob 1/22/2004) was removed from the father’s home on October 26, 2017. It was established that the mother had not had contact with the child in a number of years. Relative placement was explored by the Department of Health and Human Services (DHHS) without success. The child was placed in foster care by DHHS on the date of removal.

The father made admissions on February 22, 2018. The father admitted he allowed Crystle to reside in a friend’s home without providing legal care and custody for her and he was unable to meet Crystle’s mental health needs when she was in his care.

Disposition for the father occurred on March 20, 2018. The Parent Agency Treatment Plan (“PATP”) was ordered on the day of disposition and included the following services for the father: a full psychological evaluation with Dr. Byron Barnes to address mental health needs, father to follow any recommendations as a result of the evaluation; parenting time at the discretion of DHHS; sign all releases requested by DHHS; complete a full health screen to treat any current health needs with a licensed physician; participate in parenting education; and, complete an intake with a mental health service, such as CMH or other licensed counseling service. Parenting time was initially ordered at the discretion of DHHS.

GALLOWAY LEGAL SERVICES, P.L.L.C.
JENNIFER M. GALLOWAY
ATTORNEY AT LAW
108 S. UNIVERSITY, SUITE 5
MT. PLEASANT, MICHIGAN 48858

TELEPHONE (989) 953-3532
TELEFAX (989) 953-3534

April 18, 2019

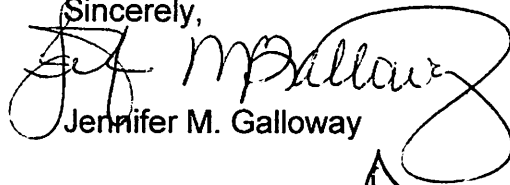
Rodney Davis
9852 West Cadillac Drive
Lake, MI 48632

RE: In the Matter of Crystle Davis
Clare Co. File 17-069-NA

Dear Mr. Davis,

Enclosed are your copies of the *Opinion and Order After Termination Hearing* and the *Order Following Hearing To Terminate Parental Rights*.

Sincerely,


Jennifer M. Galloway

cc: File

ENTERPRISE

RAUL QUIT THE

WOULD NOT SOP DR RONAN ? HIGH 100% RANK
BUT DID SOP DR FATCHING ! LOW RANK .05%

EVERY BIT OF THIS IS BASED
ON SURGERY CONDUCT MIA / FALSE DIAGNOSIS
BEAR NOT DR

1 ROD WAS
GIVEN CHOICE
FOR LAWYER TO APP
COST TO ROD
BUT THEN SLANDER
TO (3) LAWYERS

The Court considers that Crystle is fifteen years old and has been in foster care for almost seventeen months, since 2017.

WAY BEOND 182-365 DAYS

The Court takes into consideration the Guardian ad Litem's reports filed with the Court and her recommendation that parental rights be terminated.

COURTS BEST INTRESS

The Court also takes into consideration the foster mother's, Lori Tideswell, testimony. Crystle wants to be adopted for stability and safety. The foster family is willing to be considered as a possible adoptive placement.

Foster care worker Mr. Bear discussed adoption with Crystle and recommended that stability be achieved to address the severe anxiety that Crystle experiences.

The Court finds that there is clear and convincing evidence that the best interests of Crystle are to terminate her father, Rodney Davis' parental rights.

Order

The Court finds that the Petitioner has met the burden of proof to terminate the father's parental rights pursuant to the three statutory factors pled. The Petitioner has met the burden of proof to show that the child's best interests are served by terminating the father's parental rights. Therefore, the Court orders that the father's parental rights are terminated and there shall be no further efforts to reunify. The child is committed to DHHS and Michigan Children's Institute for the purpose of adoption. DHHS shall continue to have discretion regarding the child's placement. Relative placement shall continue to be explored by DHHS.

Date: April 12, 2019

Marcy A. Klaus
Hon. Marcy A. Klaus P59564

JENNIFER GALLOWAY
COULD NOT BE REACHED

BY PHONE OR OFFICE NOT

OUT OF TOWN
OUT OF STATE
MINN

CRYSTLE COMES OVER MOST
EVERY DAY (OUR HOUSE) CALLS
MOST EVERY DAY. AFTER MOVED
FROM LORI TITWELL BEAR'S HOME
↑ ↑ PART OF THE ENTIRE
PRISE

in an inpatient Safe House to stabilize her. The father continued to not participate in parenting time in the therapeutic setting with CMH. Crystle's cutting behaviors continued. Crystle continued to express that she did not feel safe going home to her father and that her father was not trying to rebuild their relationship.

At the August 21, 2018 Disposition/Permanency Planning Hearing, the permanency goal was changed from reunification to termination of parental rights. This request was made by the Petitioner and supported by the Guardian ad Litem. The Court authorized the filing of the Supplemental Petition.

Parenting time was ordered to occur at the discretion of DHHS until the filing of the Supplemental Petition, at which time parenting time would be suspended.

At the same hearing, the attorney for the father motioned the Court to allow him to withdraw. The father was not maintaining contact with his attorney. The father was threatening everyone involved in the case. The Court granted the motion and appointed new counsel on the same day.

At the termination hearing, the Court learned that the father had engaged in four to five sessions of counseling with Dr. Daniel Fachting, psychologist. Those counseling sessions occurred in October 2018 and November 2018. This was a self-referral by the father. Dr. Fachting did not recall releases of information being signed by the father. Dr. Fachting testified that the father did not provide psychological evaluations of himself or Crystle for Dr. Fachting to review. The focus of the sessions was the father's depression and adjustment to having his daughter out of his care with the prospect of her return. Dr. Fachting testified that he engaged in active listening, and validation of the father during their sessions. Dr. Fachting testified that the father made progress in the form of being more relaxed and confident after their sessions, therefore further sessions would not have been helpful. Parenting skills were not addressed in depth during their sessions.

By the November 14, 2018 dispositional review hearing, neither parent was participating in parenting time. Crystle continued to receive therapy from CMH therapist Sherrie LaLone. Wraparound services were utilized within the foster home. DHHS continued to try to engage the father through phone contact and at home visits. These efforts were unsuccessful. Law enforcement was requested to conduct a welfare check on the father by DHHS in October 2018. Law enforcement was unable to have contact with the father.

Despite the permanency goal change at the August 2018 Permanency Planning hearing, the Supplemental Petition was not filed by DHHS. The Court ordered that the Supplemental Petition be filed within twenty-eight days of the November 14, 2018 hearing. Parenting time continued to be offered to the parents with the requirement that the parents contact DHHS twenty-four hours before to confirm attendance. The mother had stopped attending parenting time in August 2018. The father had not participated in parenting time since the spring of 2018.

DHHS reported that the father was not attending any service ordered by the Court in the PATP.

The father started to attend parenting time with Crystle at CMH on November 16, 2018. Sherrie LaLone testified that communication was the focus of the therapeutic parenting time. The father attended six of ten appointments between October 2018 to January 23, 2019. Ms. LaLone started offering therapeutic parenting time in mid-June 2018 and continued until January 23, 2019.

ONLY
NOT
M.H.
BEAR STOPPED THIS DEC 2018
(IN VOLUNTARY
SURVIVITUDE)

The PATP ordered for the child included the following services: to attend the public school; complete a full psychological evaluation with Dr. Byron Barnes and follow any recommendations from the evaluation; and, participate in counseling services with CMH or other appropriate counseling service.

Dr. Byron Barnes diagnosed the child, Crystle, with Post Traumatic Stress Disorder, Depression not otherwise specified, and Emotional Abuse of a Child. Dr. Barnes concluded that the data indicated Crystle was anxious and depressed, and worried about her safety, "she finds the circumstances in her home with her father to be disconcerting, hurtful and harmful". (Dr. Barnes' Psychological Evaluation of Crystle Davis, dated November 14, 2017). Dr. Barnes recommended: continued placement [out of home], individual therapy services to address trauma, appropriateness of visitation with her father is deferred to her individual therapist, the need for psychotropic medication is deferred to her individual therapist.

The father completed a psychological evaluation with Ronan Psychological Associates. The psychological evaluation was made part of the Court's social file on February 20, 2018. The father sought and paid for this service out independently. The psychological evaluation was conducted on January 16 and 18, 2018. The evaluation concluded that the father was of average intelligence with commensurate adaptive behaviors. The report noted that the father suffered from chronic pain and recommended that "participating in mental health service to learn more effective strategies for managing chronic pain might prove useful". The father "did not report clinically significant symptoms that would warrant the diagnosis of a formal psychiatric condition", nor did he report significant distress related to caring for his daughter. The father has the capacity to participate in and understand services.

November 29, 2017, the Court ordered that the father's parenting time would be conducted through written and telephonic communication owing to the verbal and emotional abuse by the father during face to face parenting time. The father would not contact nor respond to DHHS despite repeated efforts to engage the father by the Department. February 22, 2018, the Court ordered parenting time for the father to be at the discretion of DHHS. The father continued to ignore requests of DHHS for contact regarding services and his child.

In April 2018, Crystle discussed suicidal ideation and cutting behaviors to the Physician's Assistant who was seeing her for her school sports physical. The PA prescribed Zoloft for Crystle as she continued to express suicidal thoughts. DHHS foster care specialist Bear asked the father's permission for medication to be given. The father refused to grant permission for the administration of psychotropic medication. Subsequently, DHHS was unable to reach the father by phone and could not be found at home by the foster care worker. Written communication went unanswered by the father.

GUILT
WITH OUT
CONSENT
↓

Parenting time between the father and Crystle was not occurring. The father did not telephone, write, or visit Crystle. It was ordered at the June 5, 2018 review hearing that the father would need to contact DHHS twenty-four hours in advance of parenting time to confirm that he would be attending. Face to face parenting time was referred to CMH by DHHS so that parenting time could be facilitated by a CMH therapist. CMH outpatient therapist Sherrie LaLone began counselling Crystle in mid-June of 2018.

DEMAND
NOT
THERAPIST
↓

In August 2018, Crystle again threatened suicide and was hospitalized. The CMH Crisis Team became involved. Crystle had phoned her father and told him that she was suicidal and his response was to encourage her to do so, as long as he did not go to jail. The Crisis team was able to place Crystle

THIS IS ANOTHER
LIE

↓
WANTED TO COME HOME!

maintain contact with his daughter by offering transportation to court and service providers, therapeutic parenting time, telephone contact and written contact.

Statutory Grounds and the Court's Findings

Under MCL 712A.19b(3)(c)(i) and (ii), failure to rectify conditions, the Court finds that more than 182 days have elapsed since the issuance of the initial disposition order on March 20, 2018. There is clear and convincing evidence that the conditions that led to adjudication, the father is emotionally abusive to the child and cannot or will not meet her mental health needs, continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age of fifteen years old.

Other conditions exist that cause the child to come within the court's jurisdiction, the child's mental health needs are becoming more serious with threats of suicide and cutting behaviors, marked depression, anxiety, and PTSD triggered by the father. The father has received recommendations to rectify those conditions through services offered in the Parent Agency Treatment Plan including parenting time in a therapeutic setting, and the conditions have not been rectified by the father after notice and multiple hearings during the seventeen months that the child has been in care, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

Under MCL 712A.19b(3)(g), there is clear and convincing evidence that the father fails to provide proper care and custody for the child and there is no reasonable expectation that the father will be able to provide proper care and custody within a reasonable time considering the child's age. The father refuses to participate in services to repair and foster a healthy parent-child relationship. The father continues to externalize blame. He has minimally participated in services without adequate benefit to safely reunify him with his daughter, Crystle.

Under MCL 712A.19b(3)(j), there is clear and convincing evidence that there is a reasonable likelihood, based on the conduct or capacity of the father, that the child will be harmed if she is returned home to her father. The father has the capacity to make changes and to benefit from services that were offered, however he chose to not engage in services, as ordered, with the exception of approximately three months of therapeutic parenting time at CMH at the end of 2018 and beginning of 2019. Those parenting times were fraught with conflict and blame by the father, anxiety and self-harm by the daughter. There was no progress made by the father to learn and benefit from the therapy offered. A return home to the father's care would result in further trauma and harm to the child.

Best Interest Factors

Dr. Barnes diagnosed Crystle as suffering from PTSD and abuse of a child while in her father's care. Dr. Barnes testified that Crystle was very clear in stating that she did not want to live with her father. This statement was made in November 2017. Crystle has clearly stated this same desire, throughout the seventeen months of proceedings, to be away from her father because of her fear of him and her anger toward him. Dr. Barnes stressed that there was a "significant disruption in the parent-child relationship" which is not common even in situations of abuse or neglect. Dr. Barnes stated that it was imperative that the father participate in therapy in order to repair their relationship. Unfortunately, this did not occur.

J BEAR PRETENDED DR BARNES
DID NOT EXIST


Dear Father

I want to take time to
call you if you come back

before I come back

Please don't leave

without me

Thanks Bye 



Community Mental Health for Central Michigan

www.cmhcm.org

February 14, 2018

Clare County DHHS
Attn: Jereme Bear
725 Richard Dr.
Harrison, Michigan 48625

Re: Crystle Davis

DOB: 01/22/2004

Case# 019918

Mr. Bear,

I have met with Crystle eight times since being assigned as her Outpatient Therapist on 11/15/17. In that time we have been building rapport, identifying treatment goals and completing the UCLA PTSD Reaction Index for Children/adolescents. Our treatment plan is focused on supporting Crystle in processing through the trauma she has endured, understanding the impact it has on her moods, emotions and behaviors and teaching her tools for regulating emotions and handling trauma reminders and triggers as they come up.

Crystle presents with symptoms of PTSD and a majority of her flashbacks, memories, cognitive distortions and upset feelings are in regards to her father as a result of the psychological abuse he has inflicted. Crystle has shared on more than one occasion she is fearful of her father and what he might do to her. He has reportedly made threats to her safety, even after her entering foster care. Because she has yet to develop a full set of coping skills to handle these triggers and threats as they arise, seeing him and spending time with him would likely cause undue emotional distress at this point in time.

Katie L. Most, LMSW, QMHP, QIDP, CMHP
Outpatient Therapist

Sara Miceli-Sorensen, LMSW, QMHP, QMRP, CMHP
Clinical Supervisor



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